

# **भारत का राजपत्र** **The Gazette of India**

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delh., the 18th December 1967

**S.O. 3.**—In exercise of the powers conferred by sub-section (1) of Section 22 of the Representation of the People Act 1951, the Election Commission hereby cancels its notification No 434/MD/65, dated the 13th October, 1967

[No 434/MD/65]

New Delhi, the 20th December 1967

**S.O. 4.**—In pursuance of section 106 of the Representation of the People Act 1951, the Election Commission hereby publishes the Order, pronounced on the 20th October, 1967 by the High Court of Judicature at Madras in Election Petition 10 of 1967

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

Extraordinary Original Civil Jurisdiction

Friday the 20th day of October, 1967

28th day of Asvina 1889 (Saka)

## PRESENT:

The Honourable Mr. Justice Venkatadri.

## ELECTION PETITION NO. 10 OF 1967

K. T. Kosalram.—*Petitioner.*

vs.

1. Dr. Santhosham, 2. Shanmugasundaram, 3. Sooriamuthu, 4. Rathinaraj
5. The Returning Officer, Tiruchendur Parliamentary Constituency. —  
*Respondents.*

This Election Petition coming on for hearing this day, the Court delivered the following judgment:—

This is a petition by Sri K. T. Kosalram against the election of Dr. M. Santhosham from 38, Tiruchendur Parliamentary Constituency. The latter was elected by a narrow margin of 394 votes. The petitioner has alleged that there had been various acts of irregularities, commission and omission, in the course of the counting of votes at the various counting centres. According to him, many of the ballot papers which should have been invalidated were validated in favour of the first respondent (Dr. M. Santhosham) and a number of votes which should have been invalidated in his favour were invalidated. After narrating the various acts of irregularities committed by the counting officials in the various counting centres, during the process of counting of the ballot papers, the petitioner sums up as follows. About 400 ballot papers cast in favour of the petitioner have been invalidated or improperly rejected on the ground that the marks were faint; about 450 ballot papers on the ground that the marks were smudged; about 950 ballot papers marked as doubtful ballot papers were summarily rejected without adjudication; about 1250 votes of the petitioner were wrongly bundled and counted in favour of the first respondent, and about 60 to 70 per cent of the missing votes should have been treated as the votes of the petitioner. There was discrimination by the counting staff both in the matter of invalidation and validation of the doubtful ballot papers. The petitioner has also pressed before me the following acts of omission, negligence and default by the Assistant Returning Officers of the various counting centres, who were acting under the directions of the Returning Officer at Tiruchendur. (1) The Assistant Returning Officer did not fill up the statutory forms (Form 16) correctly; it is full of mistakes, errors, corrections, alterations, additions and subtractions; (2) in many cases, the total number of ballot papers actually found in the ballot boxes did not correspond to the total number of ballot papers issued to the voters; (3) no reasonable opportunity was given to the petitioner's agents (counting agents and extra counting agents) to examine the doubtful ballot papers and to state their objections to the Assistant Returning Officers, before they were rejected; (4) there was neither compliance with the provisions of the Election Law nor observance of the rules framed under the Election Manual and the other instructions given to the counting staff as well as the counting agents; and (5) in consequence of these irregularities and also the confusion that prevailed in the several counting centres and due to the defective arrangements made for counting of the ballot papers by the Returning Officer and also due to the inefficiency and incompetency of the officers and the staff, the votes of electors were not properly rendered in the statutory form, and therefore, it has become impossible to find out the true result of the election in this Parliamentary Constituency. On these grounds, the petitioner submits that it is just and necessary to have scrutiny and recount of all the rejected votes and of all the valid votes in the six assembly components. The petitioner, therefore, prays that the election of the returned candidate the first respondent herein, should be declared void and that the petitioner should be declared as duly elected for the Tiruchendur Parliamentary Constituency.

The Returning Officer, Tiruchendur Parliamentary Constituency, who has been impleaded as the fifth respondent in this petition, has filed an answer statement to the effect that he had made arrangements as per the instructions given to him, in such a way as to give facilities to the counting agents to observe the work done by the counting staff, to watch the sorting, counting and bundling up of the counted ballot papers for each candidate and also for putting the doubtful ballot papers in a separate compartment for their adjudication by the Assistant Returning Officer and to make the necessary representation to the Assistant Returning Officer concerned by pleading, protesting or asserting, before he gives his final decision on the validity or otherwise of the doubtful votes. He has denied that the counting was rushed through in the evening. He has averred that no protest, either oral or written, was made to the Assistant Returning Officers before the counting was closed. He has stated that the Assistant Returning Officers did not make any premature publication of the result of the candidates. The Assistant Returning Officers after counting the ballot papers received from the various polling stations, despatched them to the Returning Officer at Tirunelveli along with the filled up statutory forms, Form 16 and Form 20, and at Tirunelveli the consolidation of the votes secured by each candidate was made, recorded and the result duly declared by the Returning Officer. It is a fact that 73 ballot papers were found missing, but it is unavoidable and it is not a serious matter to be taken notice of. He had submitted that the petitioner is not entitled to ask this Court for inspection, scrutiny or recount, since the election had been conducted strictly in accordance with the rules and regulations of the election law and that the decision is not vitiated for any of the reasons mentioned by the petitioner.

The first respondent, the returned candidate has also filed his written statement, generally supporting the statement made by the Returning Officer. He has stated that the allegations made by the petitioner are based on surmise and conjecture, and that they are all afterthought, after the election was over and as a result of the defeat of the petitioner. The first respondent states that, on the basis of the small margin of votes between him and the petitioner, the petitioner is seeking through this petition to disturb the result of the election.

It is on these pleadings, this Court has to conduct an enquiry into the allegations made by the petitioner and decide whether the first respondent was duly elected to the Parliament.

An election enquiry is a judicial proceeding and not an inquisitorial one. In one of the earliest cases on the subject, *the Taunton case* (1) 20 M & H 66 @ 74. Grove. J. has observed:

"It must be borne in mind in these cases, that although the object of the statute by which these election tribunals were created was to prevent corrupt practices, still the tribunal is a judicial, and not an inquisitorial one; it is a court to hear and determine according to law, and not a commission armed with powers to inquire into and suppress corruption. To use the language of that eminent judge, the late Mr. Justice Willes, 'No amount of evidence ought to induce a judicial tribunal to act upon mere suspicion or to imagine the existence of evidence which might have been given by the petitioner, but which he has not thought it to his interest actually to bring forward, and to act upon that evidence which really has been brought forward'."

Balakrishna Ayyar, J. has observed in *A. Srinivasan v. Election Tribunal, Madras* (2) 11 E.L.R. 278 @ 293:

"An election petition is not a matter in which the only persons interested are candidates who strove against each other at the elections. The public also are substantially interested in it and this is not merely in the sense that an election has news value. An election is an essential part of the democratic process. The citizens at large have an interest in seeing and they are justified in insisting that all elections are fair and free and not vitiated by corrupt or illegal practices."

Thus, this is a petition wherein the public are also interested, apart from the complaints alleged by the petitioner against the conduct of the electoral staff inside

the counting hall, after the poll. The whole complaint of the petitioner is centred round the counting hall at the respective counting centre of this Parliamentary Constituency. In this case, there have been four counting centres, mostly in public buildings like Taluk Office or public school, in the six assembly components. Rules have been framed under the Representation of the People Act, as to what should be done from the stage of the arrival of the ballot boxes from the polling stations to the counting centres, under the supervision of the Assistant Returning Officer, to whom powers have been delegated by the Returning Officer. The Assistant Returning Officer makes arrangements for sorting, counting and bundling of the ballot papers candidatewise, and counting has, as far as practicable, to proceed continuously allowing a short time for refreshments. The Assistant Returning Officer admits into the counting centres only his assistant and clerks; and nobody is allowed inside except the candidates, their election agents and counting agents, whose appointments have already been duly made and recognised by the officer. The Assistant Returning Officer must give to the counting agents all reasonable facilities for overseeing the proceedings, and also such information with respect thereto consistent with the orderly conduct of the proceedings. The counting agents could watch that the ballot papers are rightly sorted and doubtful votes separated and bundled with a string and sent to the table of the Assistant Returning Officer. The Assistant Returning Officer (A.R.O.) should give reasonable opportunity to the extra counting agents, who will be seated either by his side or near his table, to inspect the doubtful ballot papers. The Assistant Returning Officer, after giving such inspection of these doubtful ballot papers, adjudicates and gives his decision thereon. He enters his decision on these doubtful ballot papers in Part II of Form 16. Finally, the Assistant Returning Officer prepares Form 20, the result sheet. The Assistant Returning Officer also makes arrangements to announce the result of each polling station on the black-board, for the sake of information to the agents of the respective candidates. Then the A.R.O. despatches all the ballot boxes, the records and the forms to the Returning Officers for the Constituency. It is there the consolidation of the results of the various counting centres takes place, and it is the Returning Officer who announces the result of the election. Before he makes the declaration, any candidate concerned or his election agent may apply in writing to the Returning Officer asking for recount of all or any of the ballot papers counted, stating the grounds on which he demands the same. The Returning Officer must decide the application and record his reasons for coming to that decision. He may allow the application in full or in part; or he may reject the application, if it appears to him to be frivolous or unreasonable. Then the Returning Officer declares the result of the election, on declaring the name of the elected candidate, who has secured the largest number of valid votes. He is thus required to certify the return of the election. From the above, it will be clear that, at every stage in the process of counting, the counting agents and the extra counting agents have opportunity to watch the progress of the counting, that is of seeing the work of the counting staff and observing the method of counting the votes, of inspecting the doubtful votes, making their representation, and of finally demanding of recount if they are not satisfied with the method of counting.

The general election for the Tiruchendur Parliamentary Constituency took place on February 18, 1967, in about 624 polling stations comprised in the six assembly components of that Constituency. The counting of the ballot papers of all these polling stations took place in four centres, at Suchindram for the Kanyakumari segment, at Ambasamudram for the Cheranmahadevi segment, at Nanguneri for the Nanguneri and Radhapuram segments and at Tiruchendur for the Tiruchendur and Sattankulam segments. The Assistant Returning Officers at these centres were all experienced revenue officials of the status of Deputy Collector. The petitioner has complained that, in almost all the counting centres, the Assistant Returning Officers exhibited a reckless disregard of the essential requirements of the election law, in the matter of sorting, counting and bundling of the ballot papers, and in the matter of filling up of the statutory forms, that their acts are unreliable and that the records have destroyed their value as a piece of evidence in ascertaining the true intent and will of the voters. According to the petitioner, these acts are sufficient to set aside the election of the returned candidate, and it is for these officers to prove before this Court the fairness and legality of the election.

In order to prove his case of such irregularities and acts of commission and omission on the part of the Assistant Returning Officer, the petitioner adduced

evidence through his extra counting agents. For the Tiruchendur and Sattankulam components, the extra counting agent of the petitioner, at the time of the counting, was one Jawahar Raj (P.W. 4) a young advocate practising at Tirunelveli. According to his evidence, at least 100 votes were rejected unlawfully by the A.R.O. on the ground of multiple voting, whereas in these ballot papers due to wrong folding of the ballot paper, a second impression of the original mark was found in the last compartment and that such ballot papers are valid according to the instructions. He has further deposed that, on the other hand, the Assistant Returning Officer has validated invalid votes of the first respondent, when there was smudge mark that is mark other than a mark made by the official seal. Similarly, he states that in Sattankulam about 100 votes which were legally due to the petitioner were invalidated on the ground of multiple voting due to wrong folding, while many votes which ought to have been invalidated have been validated in favour of the first respondent. Likewise, in Kanyakumari segment, the extra counting agent of the petitioner, one Devisundaram (P.W. 1) has deposed that about fifty votes were improperly rejected for the petitioner on the ground of multiple voting and about 150 votes invalidated on the ground of faint impression, though such votes ought to be validated for the petitioner according to the rules. He has also deposed that about 1,200 votes of the petitioner got mixed up with the votes of the first respondent during the course of sorting and bundling of votes. His complaint is that the Assistant Returning Officer of that component did not care to do the random check of the counted bundles, as and when they came to his table from the counting tables. This witness has attributed motive to the counting staff for the mixing up the petitioner's votes with the votes of the first respondent, and has also stated that the Assistant Returning Officer deliberately refrained from adjudicating the doubtful ballot papers, when it is his duty to decide the validity of such doubtful votes. This witness claims that in all more than 1,250 would have gone into the account of the petitioner. If the votes had been properly counted in the Kanyakumari segment. P.W. 2, Adaikkalam Fernando, an advocate practising at Tirunelveli was the extra-counting agent of the petitioner at the counting centre at Nanguneri for the Nanguneri and Radhapuram components. He has deposed that the Assistant Returning Officer did not care to verify the doubtful votes but simply treated them as rejected votes without any adjudication by him. He has estimated that about 200 such votes should have been validated for the petitioner. He has said that the Petitioner lost about 50 votes under the category of multiple voting though they should have been validated in his favour. He has also produced a note-book (Ex P 10) maintained by one of the counting agents of the petitioner noting the particulars of each polling station and the number of votes secured by each candidate and also the number of invalid votes. He has also stated that in respect of Nanguneri component about 350 doubtful votes would have been validated in favour of the petitioner if the Assistant Returning Officer had taken the trouble of scrutinising the doubtful ballot papers. He has stated that in the evening as there was rush in counting proper checking could not be done. He states that in this component the petitioner would have got fifty votes which were rejected on the ground of double impression and about 100 votes which were rejected on the ground of faint impression.

Again, another extra counting agent of the petitioner, P.W. 2, Kumeraguruparan, a senior practitioner of the Tirunelveli Bar, has deposed that he was the extra counting agent of the petitioner for the Cheramshadevi component of the Constituency. He has deposed that the counting was hurried and hasty in the evening and there was no random check of the bundles by the A.R.O. But he did not attribute any motive for this. He deposed that about 200 votes, if properly scrutinised, could be declared as valid votes given to the petitioner. Though he said that he was not given sufficient opportunity in the matter of adjudication of doubtful votes, he said that it could not be said that the A.R.O. brushed aside his objections.

The entire evidence adduced by the petitioner was repelled and repudiated, denied and assailed by the various Assistant Returning Officer, when they gave evidence in support of the validity of the election. All these Assistant Returning Officer, as stated previously by me, are all experienced and senior officers of the Revenue Department. They have had experience in the type of the electioneering work, since they had worked as Assistant Returning Officers in the previous elections. These officers have deposed that, before they allowed their staff to enter upon their duties, they conducted classes instructing them as to how they should discharge their duties; that they themselves supervised the process of counting and checked the counted bundles of fifty each; that they checked them

with the help of their assistants; that, as and when they adjudicated the doubtful ballot papers they gave every opportunity to the extra counting agents; who were seated near their table or by their side, for inspection of the ballot papers and that only after ascertaining their views, they gave their decision, which they endorsed on the back of the doubtful papers whenever they rejected them and that they gave credit to the respective candidate by putting a plus mark against his figure in the form 16 form; and that at no time either the extra counting agents or the counting agents ever complained to them that they were not given adequate facility or opportunity either in the matter of seating accommodation or in the matter of inspecting the doubtful votes and making representation at the time when decision was taken on the doubtful ballot papers. These officers state that they have scrupulously followed the rules and instructions given to them, in the matter of validating the votes with two impressions and faint impression of the official seal. According to them, there was no occasion either for controversy or conflicting view with the extra counting agents, or the counting agents for that matter. In fact, in one or two counting centres, the extra counting agents of the petitioner had complimented and commended the work of these officers.

The evidence of the Assistant Returning Officer was supported by the evidence of the extra counting agents of the first respondent, and it will suffice to mention the evidence of two of them. R.W. 3, Boaz, was the extra counting agent of the first respondent for the Sattankulam component. He has deposed that the process of counting went in quietly and well, and that he got the impression that there was no necessity for them to be present there, and that the whole operation went on smoothly. To the same effect is the evidence of R.W. 11, Bepin Fernando, an advocate, who acted as the extra counting agent of the first respondent for the Tiruchendur component of the Constituency. He has deposed that the Assistant Returning Officer gave ample opportunities to the extra counting agents to inspect the ballot papers and then only he decided whether a particular doubtful ballot paper was a valid vote or an invalid vote.

In this state of evidence, learned counsel for the petitioner has contended before me that there has been improper rejection and reception of ballot papers, mixing up of ballot papers of one candidate with another, and wholesale rejection of doubtful votes without adjudication by the Assistant Returning Officers. He submits that his extra counting agents have proved that there had been improper rejection and reception of ballot papers, that his witnesses have shown that some of the Assistant Returning Officers, especially in Radhapuram and Nanguneri, have rejected all the doubtful ballot papers without any adjudication whatsoever and even without any opportunity for inspection and that they have thereby contravened the rules of the election Manual. Learned counsel for the petitioner further submits that, though his witnesses were not able to give details in regard to particular polling stations, there is sufficient evidence, oral and documentary, (Ex. P.1, Ex. P.10 and Ex. P.12), and that is, cannot be ruled out that there is an element of error or mistake committed by the Assistant Returning Officers and that therefore he is entitled to ask his Court to give him inspection and scrutiny and to order recount of such ballot papers improperly rejected for the petitioner and improperly validated for the first respondent.

Therefore the primary question that arises for my consideration is whether these electoral officers, that is the Assistant Returning Officers and the counting-staff were inefficient and incompetent men, who have acted in utter disregard of the essential requirements of the election law, rules and regulations, in the matter of counting and making the necessary entries in the statutory form (form 16) at the various counting centres.

These officers, as stated previously by me, are men of decent status in the Revenue Department. They were specially selected to discharge the duties of election. The counting staff were mostly government servants drawn from the various Government Offices, and others from local bodies and aided schools. The counting staff were given the necessary training, in order to enable them to perform their duties efficiently, and without making mistakes. It is useful

in this connection to quote a passage from Mr. Orary on Elections, (Fourth Edition) at page 189:

"The officers of election are chosen of necessity from among all classes of the people; they are numbered in every State by thousands; they are often men unaccustomed to the formalities of legal proceedings. Omissions and mistakes in the discharge of their ministerial duties are almost inevitable. If this House shall establish the doctrine that an election is void because an officer thereof is not in all respects duly qualified, or because the same is not conducted strictly according to law, notwithstanding it may have been a fair and free election, the result will be very many contests, and, what is worse, injustice will be done in many cases. It will enable those who are so disposed, to seize upon mere technicality in order to defeat the will of the majority."

The office of the Returning Officer is an honourable and distinct, one. The Returning Officer plays a very important part in an election. The duties of the Returning Officer in connection with the election are given in the executive instructions issued by the State Government. They vary according to the class of constituency. The important duties of the Returning Officer are to make arrangements for sufficient number of polling stations in his constituency, for the counting of votes, for arranging the safe custody of the election papers and for declaring the result of the election. It is the duty of the Returning Officer to do everything necessary for effectively conducting the election, in accordance with the provisions of the statute, rules and regulations and also the instructions. He is bound to act impartially throughout the election. It is his duty to exercise a general superintendence and control over the election in his constituency. It is to him that candidates and election agents should look for instructions and advice. It is before him that objections can be lodged as to the validity of the ballot papers and also complaints as to personation, undue influence or corrupt practice. The successful management of the election will depend to no small extent on the efficiency of the Returning Officer and his assistants. He must see that opportunity is afforded to all voters or electors, who may wish to vote, to record their votes. He has to maintain the secrecy of the ballot and see that the election is free and unrestrained. He should see that the counting agents do not delay the proceedings in the course of the counting of votes. It is his duty to keep order at the polling station, to see that the election is conducted observing the secrecy of the ballot and to regulate the number of electors to be admitted in to the polling station. The Returning Officer is responsible for the receipt of the returns from the counting staff and the Presiding Officers of the various polling booths. These officers must exercise tact, patience and common sense. There should be co-operations between the Presiding Officer and the polling agents. Any friction will cause delay. The counting agents also must assist in preserving the secrecy of the ballot. They should not take actual part in the counting of the ballot papers. They should be at a little distance but they must be in a position to see the ballot papers. But they have no right to see the serial numbers at the back of the ballot papers. The counting staff is seated within the view of the Returning Officer. The agents of the candidate should be allowed either to stand or to move about in order that they may be able to watch the counting, in addition to the seats already provided for them. They may object to the validation of any vote, on the grounds prescribed in the instructions issued to them. The ballot paper under objections issued to them. The ballot papers under objection should then be put in a separate tray intended for doubtful ballot papers so as to enable the Returning Officer to take a decision thereon after allowing opportunity to the extra counting agents seated near him. Candidates and their agents should not be allowed to handle the ballot papers. The Returning Officer in the presence of the extra counting agents of the candidates decides the validity of the doubtful ballot papers. Before a ballot paper is rejected, the Returning Officer shall allow each candidate's agent reasonable opportunity to inspect the ballot papers. The object of giving an opportunity is to enable him to state whether it has to be rejected or accepted. It is only thereafter that the Returning Officer shall, if he is of opinion that is invalid, give his reasons and then the rejected votes are bundled up with a string. After the close of the counting of votes of each polling stations, the counting staff should make the entries candidate-wise in the form prescribed for calculating the number of votes secured by each candidate. After consolidation of the

results from all the counting centres the Returning Officer declares the result of the election. It is now fairly settled that the precise character of the office of the Returning Officer is judicial, when he determines the objections as to nomination papers and the validity of the ballot papers; and ministerial when he issues notices, arranges for the counting and filing up of forms and despatching the same to the Returning Officer for safe custody. When the statute specifies the duties upon an officer of election, it is necessarily implied that he shall have a free and fair opportunity to discharge such duties and he shall not be hindered or impeded or interfered with the performance thereof. The Returning Officer is charged with the duty to examine, investigate and inform himself for the intelligent exercise of his duties. They are judges of nothing while they are doing the ministerial acts. The doctrine is that the acts of the officer of election within the scope of his authority are presumed to be correct. The rule is based on two grounds; (1) the presumption is in favour of the official acts of the sworn officer, and (2) the presumption is always against the commission of fraudulent or illegal act. It will be presumed that the officers would endeavour honestly and fairly to discharge their official duties. As I said, their duties are partly ministerial and partly judicial. These officers are not in the strict sense judicial officers and their duties are clothed with discretionary powers and they act quasi-judicially. Therefore it is necessary to allege and prove that their official acts were knowingly wrongful, malicious and corrupt. The duties of the election officers are clearly defined by the statute particularly as to the manner of conducting the election. It is the policy of the law to leave as little as possible to the discretion of the election officers. In the statute, there are numerous and amended provisions framed for the purpose of anticipating the questions which may arise at the polls and the manner of their determination. These statutes are wisely framed, as to prevent uncertainty and debate as to the proper decisions on questions arising amid confusion and excitement of an election. These officers are judges of election whose province it is in the first instance to admit or exclude votes. Their action must be presumed to be correct, until it is shown to have been erroneous. The true rule, while it may not require exclusion of reasonable doubt, does require clear, satisfactory proof of fraud, before the legal presumption in favour of the correctness of the acts of the sworn officers will be nullified.

In this case, P.W. 1 has stated that he does not either suspect or expect the officers to have any political leanings. P.W. 1 attributed motive to the counting staff only, and R.W. 8, who was the Assistant Returning Officer for the Kanyakumari component, has denied that the counting staff had any political affiliation or sympathies towards the Swatantra Party, and he has also denied that there was any wrong bundling and improper rejection of ballot papers. P.W. 2, Kumaraguruparan has deposed that he cannot attribute any motive to the Returning Officer and he has stated that he does not want to be understood that the officials were partial to either of the candidates. He says that he cannot say that the officer brushed aside his objections at the time of adjudication of the doubtful ballot papers. He has also said that at no time the Assistant Returning Officer refused to give inspection of the doubtful ballot papers. He says that he had a general feeling that in the afternoon session they were hustling through. He hastened to add that he was not saying it in a spirit of complaint. P.W. 3, Adakkalam Fernando, did not suggest any motive to the Assistant Returning Officer but said that they simply set like perochial monarchs. Similarly P.W. 4, Jawahar Raj, another advocate has admitted that he cannot say that the Assistant Returning Officer showed any favouritism to the first respondent. Nor could he say that they manipulated while making the entries in the statutory form. But the petitioner alone complains that there was collusion between the officers at the polling booths and that the officers were irresponsible in the process of counting and abetted with the counting staff in committing the various acts of irregularities. I must make it clear that it is my feeling that these officers and counting staff would not have behaved in such a reckless and irresponsible manner, when they knew fully well that the petitioner is a prominent citizen of the District, a popular figure in politics and a controversial figure in his own Party. I have seen these officers while they were in the witness box, and, observing their demeanour, I am convinced that these officers had discharged their duties as required by the law, had performed their services according to the rules and regulations, and had executed their work in accordance with the instructions issued by the Government and the Returning Officer at Tirunelveli.



But learned counsel for the petitioner complaints that the statutory form and especially Form 16 prepared by the officials is full of errors and mistakes, and alterations and interpolations, with the result these documents are unreliable and unintelligible. to know the result of the election and the will of the voters. Even assuming that these records are conclusive, still his client is entitled to impeach these documents in the contested election. He is, therefore, entitled to ask this Court to determine the truth and reliability of the returns. It is the duty of this Court to ascertain not as to who was returned as elected but as to who was in fact elected.

The point, therefore, that arises for consideration is whether the alleged errors and mistakes and alterations and interpolations in the returns, especially in form 16 have affected the result of the election. It is necessary for me to state the importance of these forms which were the subject matter of controversy in the course of the trial of this election petition.

There are six components, as stated previously by me, in the Tiruchendur Parliamentary Constituency. There were about 624 polling stations. Each polling station was in charge of a Presiding Officer, who had to act under the directions of the Returning Officer. He is responsible for the Conduct of the poll in his polling station. He would be supplied with the ballot papers equal to the number of voters allotted to his polling station rounded off to the next higher ten. He should maintain the records such as the marked copies of the electoral roll, list of tendered ballot papers, list of challenged votes and the ballot paper account. We are here concerned with the ballot paper account, that is Form 16. At the end of the poll, the Presiding Officer should seal the ballot papers in a separate box as required by the rules and also prepare the ballot paper account in Form 16. Form 16 is divided into two parts. Part I is known as ballot paper account and Part II is called the result of counting. Part I should be filled up by the Presiding Officer of the polling station. Part I contains the particulars as to the ballot papers received, ballot papers not used, ballot papers issued to voters, ballot papers cancelled and ballot papers used as tendered ballot papers. Against the particular columns, the Presiding Officer should enter the serial number (from/to) and the total number in the last column. The Presiding Officer despatches this form along with the other records and the ballot boxes of his polling station to the counting centre. At the counting centre, the counting supervisor, after he receives the ballot papers and form 16 pertaining to his table, and after sorting and counting to his table, and after sorting and counting of the ballot papers, fills up the columns in Part II, that is the columns relating to the name of candidate and number of valid votes cast in favour of each candidate. The third column in Part II is reserved for the Assistant Returning Officer to make entries after his decision on doubtful ballot papers by making a mark like plus 1 or plus 2 opposite the figure of the particular candidate, which would indicate that credit has been given to his account. It is the duty of the counting supervisor to check up the duty of the counting supervisor to check up the correctness of the total number in Part I. At the end of Part I, the Presiding Officer has to put his signature, and at the end of Part II the counting supervisor and the Assistant Returning Officer have to put their signatures.

In the filling up of Part I of Form 16, the Presiding Officers of some of the polling stations committed mistakes or errors in arriving at the total number of ballot papers in the last column, in respect of ballot papers in the last column in respect of ballot papers received, ballot papers not used and ballot papers issued to voters. Similarly the counting supervisors and the Assistant Returning Officers also made some unnecessary entries in the Form. Learned counsel for the petitioner through his witnesses pointed out such errors, alterations and additions and subtractions made in Part I and Part II. He pointed out the mistakes committed by the Presiding Officers such as not entering the serial number of the ballot papers issued to voters, not initialling the corrections made therein, and making two or more entries against a particular column. A common mistake committed by many of the Presiding Officers was while entering the total number of ballot papers in the last column of Part I. While subtracting the serial number, they should add one to arrive at the correct figure of the ballot

papers. This they failed to do. Therefore in many instances, there was no correlation between the number of ballot papers issued to voters and the number of ballot papers actually found in the box. In such cases, the counting supervisor made an entry invariably in pencil—he cannot make entries in Part I noting the correct total number. Again, in one of the counting centres, the counting supervisors had made an entry for doubtful ballot papers noting it as 'D' or 'doubtful'. This was noticed in the Nanguneri counting centre. In some cases, the figures of doubtful votes were carried over in the figure of rejected ballot papers. In one of the Polling stations in Cheranmahadevi (Polling station 89), the Presiding Officer had entered originally the number of ballot papers received according to the serial number. Later, he had found out that there was a slip over in the serial number by ten even at the time of printing. The Presiding Officer then had made a special note before he signed the form 16. In some of the polling stations, some endorsements had been made in the column intended for noting the decision of the Assistant Returning Officer after adjudication of doubtful ballot papers. In some of the cases, they had not initialled the plus and minus entry made by them. Learned counsel for the petitioner drew my pointed attention to these mistakes in Form 16 through his witnesses and also in the course of cross examination of the respondent's witnesses. To rebut this contention of the petitioner, when the Assistant Returning Officers were in the witness box, learned counsel for the first respondent took pains in asking them to go through the various forms of the various polling stations and explain or clarify the alleged corrections, alterations and errors made by the Presiding Officers and the counting supervisors. These Officers took me through the form 16 forms and explained the alleged errors and mistakes how they occurred and how they were corrected. In most cases, the concerned A.R.O. has initialled the corrections in Part II. Some of the Presiding Officers have omitted to fill up the serial numbers either due to inadvertence or want of time. As already stated by me, many of the Presiding Officers had made a mistake in calculating the total number of ballot papers in that they had forgotten to add plus one to the total. In such cases, the counting supervisors, at the time of counting of the ballot papers, had noted the mistake and had corrected the figure in Part I in pencil and thus tallied the total number of the ballot papers issued to voters and the total number of ballot papers actually found in the ballot boxes. It is the duty of the counting supervisor to check up the figures in part I of Form 16, when the form reaches the counting table, at the counting centre. The Assistant Returning Officers explained to me how they added the ballot papers actually found and the rejected ballot papers and found them to tally with the ballot papers issued and cancelled or tendered as the case may be. These officers thus explained the correctness of the account in the various polling stations. They also convinced me that the alleged errors and mistakes have not materially affected the accuracy of the account. It is only on the basis of the entries made in form 16 that these officers prepared the result sheet in Form 20 and submitted it to the Returning Officer at Tirunelveli, who, in his turn consolidated the figures and declared the result of the election. The filling up of the form is a simple matter of arithmetic. The duty of the court is to see whether the return is in due form. In determining the form of return, it must consider the substance and not be too technical. If there is substantial compliance with law, it is enough.

In the course of the conduct of the election, certain requirements of law have to be followed by the voters and officers of registration. These requirements may be directory or mandatory. The provisions in the Statute prescribing specific duties of these officers are directory, unless the acts prescribed are in their nature essential to the validity of the election. The provisions in the statute expressly declaring specified acts or omission fatal to the validity of election or expressly prohibiting the performance or omission of specified acts are mandatory. The provisions in the statute prescribing acts which are in their very nature absolutely essential to the validity of the election are mandatory. Whether the provisions of the statute or the rules framed under the statute are directory or mandatory, the main intention of the Legislature is to secure to the voter first a free and untrammelled vote and secondly a correct return of the vote. The statutory provisions which fix the date and place of the election and the qualification of the voters are mandatory, while those relating to the mode and procedure of election and to the return of the results are formal and directory. The departure from the directory rules will not vitiate the election, if there were no irregularities such as depriving a legal voter of his vote or admitting illegal vote or causing uncertainty in the result. It is well-settled that

mere neglect to comply with the directory requirements of law or the performance of duty in a mistaken manner without bad faith will not justify the rejection of the entire poll. Equally, it is well-settled when the proceedings are so tarnished by fraudulent or negligent or improper conduct on the part of the officers, then the result of the election is rendered unreliable and the entire return will be rejected.

In an election, the returns are *prima facie* evidence of the truth of their contents. At the presumption so raised may be rebutted by proof that they are fraudulent and fictitious to such an extent as to render them unreliable. Merely because some of the columns are not filled up, the alterations are not initialled and figures are corrected or interpolated would not justify the rejection of the entire form, if it is otherwise proved by legal and competent evidence. The defect may be remedied by parol proof and the documents so corrected will be competent evidence of the result of the election. It is useful to quote a passage from McOrary on Elections (Fourth Edition) at page 371, paragraph 503;

"...parol evidence is admissible not only to impeach but also to correct omissions in the poll books and tally sheets, and that these documents when so corrected are sufficient *prima facie* evidence of the result of the election."

The duty of the election officers is to determine the result shown by the returns prepared by them. They cannot go behind the returns. The Election agents are to be satisfied upon the genuineness of the returns, that is the returns presented to the Returning Officer are not forged or spurious. They are returns signed by proper officers. If the returns were insubstantial compliance with the requirements of the Statute, they cannot be rejected merely because they contain mistakes, errors and alterations without initials. If the returns are intelligible and consistent with themselves and contain every material statement required by law, then they will be the best and the highest evidence of facts therein stated and must stand and true unless impeached as fraudulent. Even if the returns are inconsistent and contain ambiguous statements or deficient as to a material fact, the ambiguity may be supplied by extraneous evidence. The presumption is in favour of the correctness of the record kept by the officers of election. The duly certified return is the best evidence. Mere failure by an officer either by mistake or by design to certify a return should not be allowed to nullify the election or to change its result. Even if the returns are defective such as to contain omissions to sign at the proper place or fill up the blanks or to state the aggregate number of votes, parol evidence is admissible to correct these errors. If the returns are informal or insufficient, it is just and proper to resort to any competent evidence in order to ascertain the true state of the vote. While mere irregularity which does not affect the result, will not vitiate the return, yet where the provisions of the election law have been entirely disregarded by officers and their returns utterly unworthy of credit, the returns must be rejected. In such a case, the returns prove nothing. But it does not mean that the legal votes cast at such a poll be lost. The general rule is that the returns must stand until impeached, i.e., until shown to be worthless as evidence, so worthless that the truth cannot be deduced from it. To set aside a return is one thing and to set aside an election itself is another and a very different thing. A return can be set aside, if it is so tainted with fraud and misconduct of the election officer that the truth cannot be deduced from it. But the election cannot be set aside, when it is possible from other evidence to ascertain the true result. It is important to keep this distinction in mind. The conduct of an election officer must be such as to destroy the integrity of the returns and to avoid the *prima facie* character which they ought to bear as evidence before they can be set aside. Before the returns are condemned there should be such telling evidence that the conduct of the returning Officers amounted to gross and culpable negligence such as a disregard of their official duties as to render their doings unintelligible and unworthy of credence and their acts entirely unreliable for any purpose. But a return cannot be assailed by vague generalities. The general rule is if the legal votes have been cast in good faith by honest electors, then the duty of the court or the tribunal is to ascertain their number and give them the due effect, notwithstanding the misconduct or even fraud on the part of the election officers. Such fraud or misconduct may destroy the value of the officers' return or may subject them to severe punishment; but the innocent voters should not suffer on that account, if by any means their rights can be upheld. The question is whether the view of the majority is fairly expressed. It is impossible to define exactly the degree of irregularity

or illegality in the conduct of the election officer which will render the return void. Perhaps the best rule upon the subject is if the voice of the electors can be made to appear from the returns either alone or aided by extrinsic evidence with reasonable clearness and certainty, then the returns should stand but not otherwise.

These officers or judges of election are charged with the difficult duty of deciding promptly upon the adjudication of votes whenever there is a doubt. They have to exercise honest and fair judgment on the question decided. There should not be a general allegation of misbehaviour against any officer. Whatever he does in the course of his duties as an officer in the conduct of the election cannot be called misbehaviour unless maliciously and wilfully performed. His action does not lie for a mistake in law if his judgment is pure and honest although erroneous. Then he is not liable for any action. Nor can the election be declared void, unless his action is unreasonable, corrupt or wilfully repressive. His decision may be doubtful; but it should not be so doubtful that reasonable and intelligent men unaffected by bias or prejudice may be said to differ with his conclusion.

The burden of proof is always upon the party attacking the official returns. The presumption is that the officers charged by law with the duty of ascertaining and declaring the result have performed their duty faithfully. The action of the returning Officers is *prima facie* correct and must stand until it is shown by extrinsic evidence to be illegal and unjust. The returns filled up by the officers are considered to be *prima facie* true though they contained faults and irregularities. Where integrity is apparent, mere omission will be disregarded. Where majority of the voters have not been prevented from voting and the election has been conducted in substantial conformity with the election law, the election will not be void, notwithstanding that there may have been mistakes or misconduct in the use of the machinery of counting. Mere irregularity of frequent occurrence in filling up the forms or involving the performance or omission of acts not touching upon the essential validity of the election are held to be insufficient to justify the rejection of the poll, unless committed in violation of the statute mandatory in form. The election law must necessarily be administered by men who are not familiar with the construction of the statute. But we have a right to expect good faith in their acts and substantial compliance with the requirements of law. Failure of the officers to perform mere ministerial duties cannot invalidate the election. Mere neglect, omission, irregularity, informality or want of technicality on the part of the returning Officer in discharging his duties in the matter of filling up of the forms will not in the absence of fraud or misconduct render the election void. In this connection it is useful to refer passage in Halsbury's Laws of England (Third Edition—Simonds Edition), Vol. 14 at page 149 paragraph 261:

"No parliamentary election... is to be declared invalid by reason of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise.... if it appears to the tribunal having cognisance of the question that the election was so conducted as to be substantially in accordance with law as to elections, and that the act or omission did not affect its results."

"An election ought not be held void by reason of transgressions of the law committed without any corrupt motive by the returning Officer or his subordinate in the conduct of the election if the tribunal is satisfied that the election was notwithstanding those transgressions, an election really, and in substance conducted under the existing election law, and that the result of the election, was not and could not have been affected by those transgressions."

In the oft-quoted case of *Woodward v. Sarson* (3) (1875) L.R. 10 C.P. 73, not less than 294 votes were spoiled by the mistake of the presiding officer; yet the election was not declared void. The learned Judges observed:

"It is not enough to say that great mistakes were made in carrying out the election under those laws; it is necessary to be able to say that either wilfully or erroneously the election was not carried out under those laws but under some other method... But if in the opinion of the tribunal the election was substantially an election by ballot, then no mistakes or misconduct, however great, in the of

the machinery of the Ballot Act, could justify the tribunal in declaring the election void by the common law of Parliament."

In a series of cases reported in the Election Petitions by O'Malley and Hardcastle, it is stated that mere mistakes however great they may be will not invalidate an election, unless it appears to the tribunal that the election was not conducted in accordance with the provisions of the statute and rules and regulations. To take a few of those cases in the *Greenock case* (4) 1 O'M&H. 247 @ 250, on the question as to whether, if there had been to any extent a contravention of the statutory provisions, that contravention should invalidate the election, Lord Burceple said:

"I think that these statutory provisions are of such a kind that it would require that something much more should be made out than merely that they were transgressed in good faith, and without any serious consequences, to invalidate the election."

In the *Eastern Division of Clare Case* (5) 4 O'M&H. 162, the Presiding Officer had by a *bona fide* mistake omitted to detach the voting-paper from the counterfoil in 195 cases but had given the voting-paper, with the counterfoil attached, to the voter, and after receiving it back had placed it with the counterfoil so attached, in the ballot box. Justice O'Brien said:

"I think that these mistakes, although undoubtedly large,...the election ought not to be declared invalid in consequence of them."

Justice Johnson concurred and observed that the election was a real election of the successful candidate by the majority of the electors, and was conducted in substance according to the rules, of law, and that the admitted mistakes which had been made did not affect the result of the election, and it ought, therefore, not to be invalidated. In the *Islington Division Case* (6) 5 O'M&H. 120 @ 125 where the polling stations were kept open after the scheduled time and voting papers allowed to be introduced, Justice Kennedy said:

"Our opinion is that an election ought not to be held void by reason of transgressions of the law committed without any corrupt motive by the returning officer or his subordinates in the conduct of the election, where the Court is satisfied that the election was, notwithstanding those transgressions, an election really and in substance conducted under the existing election law, and that the result of the election i.e., the success of the one candidate over the other, was not, and could not have been, affected by those transgressions."

All these cases show that, if in the opinion of the tribunal the election was substantially an election by ballot, then the mistakes committed in the use of the machinery of the Act could not justify the tribunal in declaring the election void by reason of such mistakes. On a careful consideration of the evidence in this case, I feel that the alleged mistakes and errors committed by these officers, presiding officers and counting supervisors and even the Assistant Returning Officers, in their returns cannot be said to have affected the result of the election in any way

I now come to the most important part of the petitioner's case. He has alleged in his petition that at the different counting centres, the Assistant Returning Officers improperly rejected the valid votes cast in his favour and also improperly validated the invalid votes of the first respondent and thereby contravened the provisions of the Act, and the rules and regulations under the Madras Election Manual. The petitioner has, therefore, prayed that this Court should declare the election of the first respondent void under section 100(1) (d) (iii) and (iv) of the Representation of the People Act.

As I have stated previously, the election for the Tiruchendur Parliamentary Constituency took place on 18th February 1967 in about 624 polling stations distributed over the six assembly components of Tiruchendur, Kanyakumari, Radhapuram, Nanguneri, Sattankulam and Cheranmahadevi. After the poll, the counting took place in the four centres namely at Tiruchendur for Tiruchendur and Sattankulam, at Nanguneri for Nanguneri and Radhapuram, at Suchindram for Kanyakumari and at Ambasamudram for Cheranmahadevi, on the 22nd and 23rd February 1967. The petitioner has alleged that at Tiruchendur about 100 votes bearing the official mark against the name of the petitioner and another faint impression of the original seal found in some other compartment due to wrong folding of the ballot papers have been rejected; at the same time about fifty

invalid votes have been improperly validated for the first respondent. At Kanyakumari, about 150 votes having a mark in the compartment of the petitioner and another impression in some other compartment due to wrong folding of the ballot papers have been improperly rejected, while at the same time such votes have been validated for the first respondent. In this centre, there has been mixing up of the ballot papers belonging to the petitioner with those of the first respondent due to wrong bundling of the ballot papers. He estimates that 1,200 votes at the rate of two votes per 100 would have been counted for the first respondent on account of this wrong bundling. At Nanguneri, fifty votes of the petitioner were rejected on the ground that there was double impression of the official seal due to wrong folding and 100 votes on the ground of faint impression though they were valid under the rules and the Assistant Returning Officer had validated such votes for the first respondent. At Radhapuram, about 25 valid votes of the petitioner were rejected on the ground of multiple impression which was due to wrong folding; and 200 ballot papers out of 403 doubtful ballot papers were rejected without any adjudication by the Assistant Returning Officer and 100 votes of the petitioner on the ground of faint impression. At Cheranmahadevi, about fifty votes of the petitioner were rejected on the ground of faint impression and about 150 votes due to double impression. At Sattankulam, about 100 votes on the ground of faint impression and 150 votes on the ground of double impression due to wrong folding were rejected. Thus, according to the petitioner the Assistant Returning Officers have improperly invalidated the ballot papers of the petitioner and also improperly validated the invalid votes of the first respondent. They have rejected the doubtful ballot papers of the petitioner without adjudication. They did not do the random check of the counted bundles and there was therefore mixing up of the votes of the petitioner with those of the first respondent. It is also alleged that the several missing votes were not traced and accounted for either the petitioner or the first respondent. The first respondent and the fifth respondent (Returning Officer) denied the allegations of the petitioner.

On these pleadings, as many as 16 issues were framed for trial. But at the time of the arguments, learned counsel for the petitioner submitted that he was not pressing issues 1, 2, 9, 10, 11 and 12, and they do not, therefore, arise for my consideration. The other issues that arise for consideration are these:

- Issue 3:* Is the petitioner entitled to restrict the scrutiny and recount by Court to his rejected votes and to improperly validated votes of the first respondent only or has the Court got jurisdiction to order scrutiny and recount of all the votes secured by the petitioner and other respondents?
- Issue 4:* Were 250 votes of the petitioner improperly rejected on the ground that the impression of the voters was faint while they should have been validated as indicating the intention of the voters clearly, within the meaning of Rule 56(2) second proviso?
- Issue 5:* Were 475 votes of the petitioner improperly rejected (on the grounds of their bearing the mark in more than one place) when they should have been validated within the meaning of Rule 56(2) second proviso?
- Issue 6:* Were 345 votes of the returned candidate improperly validated, when they should have been rejected under Rule 56(2)(b), (c) and (d)?
- Issue 7:* Were 300 votes of the petitioner in Radhapuram and 350 in Nanguneri entered as 'doubtful votes' in form 18, rejected without scrutiny, when they should have been validated under Rule 56(2) second proviso?
- Issue 8:* Were 1,250 votes of the petitioner improperly bundled with those of others particularly the returned candidate in Nanguneri, Cheranmahadevi and Kanyakumari Segment?
- Issue 13:* Was the result of the election materially affected by the improper rejection of the votes of the petitioner and the improper validation of the votes of the first respondent within the meaning of Section 100(1)(d)(iii)?
- Issue 14:* Was the result of the election materially affected by non-compliance with the provisions of the Act and Rules and orders made under the Act as claimed?
- Issue 15:* Is the petitioner entitled to be declared as the duly elected candidate for 38, Tiruchendur Parliamentary Constituency.
- Issue 16:* Which party is entitled to his costs?

The petitioner summoned his extra counting agents at the various counting centres, and I shall now proceed to consider their evidence touching these issues.

Jawahar Raj (P. W. 4) an Advocate practising at Tirunelveli acted the extra counting agent of the petitioner for Tiruchendur and Sattankulam components. For the Tiruchendur and Sattankulam constituencies, there were 129 and 106 polling stations respectively. The total number of votes polled were 12952 and 6610 respectively. In the Tiruchendur component, the petitioner secured 27,525 votes and the first respondent secured 38,264. In the Sattankulam component, the petitioner secured 25,308, whereas the first respondent secured 26,906. At the counting centre at Tiruchendur, this witness has deposed that there were 12 counting agents for the petitioner and that he acted as the extra counting agent. He was seated just opposite to the Assistant Returning Officer. He has said in his evidence that a fairly large number of votes which had been listed as doubtful votes were rejected without adjudication, that at least one vote per booth ought to have been validated for the petitioner, and that that was only his estimate of the figures. This witness has admitted that he has not noted down in any paper the particulars of the polling station where there were improper rejection or reception of such votes. He also deposed that Thangadurai, one of the counting agents of the petitioner at this centre compiled a tabular statement in foolscap size paper, Ex. P. 12 in the case. This Thangadurai has not been examined. This Thangadurai has submitted a report Ex. P-13, to the petitioner, wherein he has stated that the figures in Ex. P-12 were noted from the black-board figures. In respect of Sattankulam component, this witness stated that 100 votes were rejected for the petitioner on the ground of multiple impression, which was only due to wrong folding of the ballot papers.

For the Kanyakumari component, one Devi Sundaram (P. W. 1) acted as the extra counting agent of the petitioner. There were 91 polling stations and the total number of votes polled was 68,042. The petitioner secured 32,463 votes and the first respondent secured 29,194 votes. This witness has deposed that besides the extra counting agents, there were 10 counting agents at the counting centre. The counting for the Kanyakumari component took place at the S. M. S. High School, Suchindram. This witness spoke of the mixing up of votes of the petitioner with those of the first respondent. He said that the Assistant Returning Officer did not do any checking work of the bundles. This witness estimates that about 1,200 votes cast in favour of the petitioner got mixed up with the votes of the first respondent. This was based on the reports given to him by the counting agents. He says that on an average, one or two votes of the petitioner got mixed up in each bundle. He says that out of this 1,200 votes, the petitioner would have got 200 votes if the A.R.O. had scrutinised the ballot papers properly. At the same time, he concedes that he cannot give particulars of such improper rejection or reception of votes in any particular station. This witness has produced a note-book Ex. P. 1, alleged to have been maintained by him at the time of counting. It contains eight columns. Column 1 is the serial number, column two relates to the votes of the first respondent, column 7 relates to invalid votes and column 8 relates to the total number of votes. In the margin of column 1, he has noted the exact time of counting of the polling stations. The pencil entries in the last page of this note-book show, according to this witness, the nature of votes improperly rejected by the Assistant Returning Officer. He admits in the course of his evidence, that except himself no other counting agent maintained any statement and that the figures were copied from the black-board. In regard to the inspection of doubtful votes, he cannot give any particular instance of refusal by the Assistant Returning Officer. But R.W. 8 Thangavelu who was the Assistant Returning Officer for this constituency said that he did not come across any mixing up of the votes of the petitioner with those of the first respondent, that he himself verified the counting and that there was no allegation brought to his notice at the time of counting. In regard to the suggestion as to political affiliation of the counting staff, he denied that they had any such political affiliation or sympathy to the Swatantra Party. He has stated that he knew the counting staff very well, because the had worked in Kanyakumari for the past two years and that the counting staff were drafted from his office.

PW2 Kumaraguruparan was the extra counting agent of the petitioner for the Cheranmahadevi component. He is a senior practitioner of the Tirunelveli Bar, a member of the Tamilnad Congress Committee and the leader of the Municipal Congress Party in Palayamcottai Municipal Council. The counting for this component took place on 22nd February 1967. There were 97 polling stations. The total number of votes polled was 68,805. The petitioner got 30,222 votes and the first respondent got 34,827 votes. There were ten counting agents including

himself. He was seated before the Assistant Returning Officer. He said that the Assistant Returning Officer observed the rules and regulations in the counting of votes and that he gave him opportunity of seeing the doubtful votes. He noted some mixing up of ballot papers. But he said that in the afternoon the whole atmosphere was surcharged with speed and there was no random check of the bundles by the A.R.O. and he did not bestow much attention in the evening session to doubtful votes. He estimated that out of 1,400 rejected votes about 200 votes if properly scrutinised could be declared as valid votes given to the petitioner. This witness maintained a note-book, Ex.P-7 which contains the serial number of the polling station and the number of votes secured by the petitioner and the first respondent. I consider that Kumaraguruparan is the best witness of the petitioner. He is a respectable person. He is very straightforward and truthful witness, and is a scrupulously careful in making his observations. When this witness said that the bundles were not checked by the A.R.O. in the evening session and when it was asked by the Court whether he attributed any motive to the A.R.O. he flatly denied it. When he said that about 200 of the rejected votes if properly scrutinised could be declared as valid votes for the petitioner, he pointed out that it was only his estimate or opinion. He admitted that it was not possible to specify the number in each category of rejected votes. When he said that the whole counting was being hurried up in the evening session and that there was no opportunity to verify the doubtful ballot papers, he also hastened to add that he did not say it in a spirit of complaint. He also stated that the A.R.O. did not brush aside his objections, and at no time refused inspection of the doubtful papers whenever he asked for it. He had a general feeling that they hustled through counting in the afternoon session. He said that the officer did not say any harsh word, that he was so good and kind and therefore he did not want to put any spoke in the wheel of progress of counting. I am very much impressed with the manner in which he candidly spoke, and his testimony deserves credit for its disinterestedness.

R.W.6, the Revenue Divisional Officer, Cheranmahadevi, was the Assistant Returning Officer for this component. He deposed that he supervised the counting work, that he did the random check of the counted ballot papers, that he checked the doubtful ballot papers according to the instructions, that he gave the extra counting agents opportunity before he took decision on them and that there was no controversy raised by them. He also said that the extra counting agents indicated nothing either in writing or orally or by gesture even, and that on the other hand compliments were paid that the counting was done in an impartial way. He himself admitted that the counting was slow in the morning and that after some time the counting staff picked up speed and naturally they had done it quickly.

For the Radhapuram and Nanguneri component, Adaikkalam Fernando (P.W. 3) was the extra counting agent of the petitioner. There were 100 polling stations in Radhapuram. The total number of votes polled was 64,206. The petitioner got 31,363 votes, whereas the first respondent secured 27,319 votes. In Nanguneri, there were 101 polling stations. The total number of votes polled was 64,098. The petitioner secured 31,129 and the first respondent secured 26,486. In this counting centre, the petitioner has secured more votes than the first respondent. This witness has stated that the Assistant Returning Officer did not do any checking of the counted ballot papers, that he did not examine the doubtful ballot papers, but simply passed them on to the Tahsildar to be stamped as rejected votes. He estimates that about 100 votes in Radhapuram and 350 votes in Nanguneri could have been validated for the petitioner from among the doubtful votes. He said that doubtful votes came from two tables only, counting booths 2, 12, 22 etc., and polling stations 13, and 14, 23 and 24, 33 and 34 etc. He also stated that under the category of faint impression about fifty votes. He also claims that one of the counting agents, one Natarajan maintained a notebook, Ex. P-10 containing the serial number of the polling booth, the name of the candidates and the number of votes secured by each candidate, the number of invalid votes and the total number of votes polled in the polling station. In the column of serial number, this witness had made some pencil marks, circles and crosses to know the type of rejection. The Natarajan has not been examined. But this witness has stated that the figures made therein were all copied from the black-board. He also deposed that nearly ten votes were missing from Radhapuram but he could not give the particulars of the polling stations. In the course of cross-examination, this witness said that at no time he was refused opportunity to see the doubtful votes. He said that the figures which he gave about rejected votes were based on his rough estimate,



that he could not give any specific particulars regarding mixing up of votes and that what he said was based on information got from the agents. He said that he was deposing only in a general way.

A. Kuppuswami (R.W. 7) who acted as the Assistant Returning Officer for this constituency deposed in his evidence that he checked the bundles and also examined the doubtful votes and took a decision only after giving inspection to the extra counting agents. He also said that the extra counting agents made no representation or objection whenever he took a decision. His evidence shows that he scrupulously followed the rules and instructions in the matter of validation and invalidation of ballot papers.

In respect of Tiruchendur and Sattankulam components, the concerned Assistant Returning Officer (R.W. 5) has deposed that he examined the doubtful papers with reference to the booklet Ex. R. 10, that he gave the extra counting agents adequate opportunity to argue either to admit or to reject and that he then decided and admitted or rejected them as the case might be. He also deposed that whenever he validated a ballot paper in favour of a particular candidate, he put a plus entry against the figure of that candidate and put a minus entry in the rejected column. This witness denied that he validated a number of votes for the first respondent even though the mark was made by an instrument other than the official seal. He stated that he found no serious error which would materially affect the accuracy of the account.

In the course of the cross-examination of these Assistant Returning Officers learned counsel for the petitioner showed them Ex-P-11 series, Ex-P-33 series and Ex-P-34 series and asked them whether they had come across such types of votes and if so whether they had validated or invalidated them. These are illustrative ballot papers prepared by petitioner's learned counsel Ex. P-11 contains three sheets. The first sheet contains an official seal and in the last compartment of the first sheet there is a smudge impression and the lines of the official seal are not visible. Similarly, the second sheet contains an official seal in the first compartment and a faint impression in the last compartment. In the third sheet, there is an official seal in the first compartment and a very faint impression of the official seal in the last compartment. This is an illustrative ballot paper belonging to the category of double impression due to wrong folding, and such ballot papers should not have been rejected. Similarly Ex. P-33 series contains five sheets. The first sheet contains two official seal in two distinct compartments. In the second sheet, the seal is just on the margin of the two compartments. The third sheet contains a seal on the margin and in the fourth and fifth sheets there is a smudge in the compartment. So also, in Ex. P-34 series, there are four sheets. The first sheet contains a faint official seal, the second contains a half portion of the official seal; the third sheet contains a faint official seal without lines and fifth contains a official seal, one full and the other a part of the official seal. Evidently, the petitioner's learned counsel adopted this method to demonstrate to this Court that these Assistant Returning Officers might have committed mistakes in the matter of validation or invalidation of doubtful ballot papers and that their judgment was not infallible. It is no doubt competent for a party to put almost any question in cross-examination which he may consider important to test the veracity of the witness and the accuracy of his statement. The witness may also be subject to a strict cross-examination for testing the accuracy of his statement, his integrity, his bias and his means of judging. The testing of a witness's capacity of recollection by cross-examination is recognised as a common method. But in the present case, from the answers given by the Assistant Returning Officers with reference to Ex. P-11 series, it is clear that there is scope for honest difference of opinion. Further, it is now more than six months after the counting, when these officers are called upon to say what they had done at the time of counting. It will be difficult for them to recapitulate and say how exactly they decided at that time. Moreover, Ex. P-11 series are only illustrative ballot papers containing double impression due to wrong folding and it is difficult to say whether the second impression is a smudge of the original seal due to extra ink or not. While one Assistant Returning Officer stated that the first sheet of Ex. P-11 is valid, another officer stated that it is not valid. For instance R.W. 5 stated that the first sheet of Ex. P-11 is not valid, while R. W. 6 has stated that it is valid. Similarly R.W. 7 stated that the first sheet

is invalid while R.W 8 stated that it is valid. In *Pipson on Evidence* (Tenth Edition), the learned author, quoting Lord Macnaghten, has observed at page 6, paragraph 11.

"The eye no doubt is the best test. Generally, but not always the comparison is enough, but in *L.G.O. v. Lavel* (7) (1901) 1 ch. 135. The court remarked that a view was not to be put in the place of evidence, but was to enable the tribunal to understand the questions raised and to follow and apply the evidence."

The same author has said at page 102 paragraph 219:

"Witness may speak directly as to what were their own feelings, motives, intentions, opinions, knowledge, belief, and the like, at any given time, their testimony being based, not on inference, but consciousness, though generally little reliance can be placed on evidence of this class."

I feel, therefore, it is rather dangerous to rely on this type of evidence, on this aspect of the case, to consider whether the Assistant Returning Officers have discharged their duties properly or not, at the time of the counting of the ballot papers.

I have considered and discussed in detail the evidence of the extra counting agents of the petitioner and also the evidence of the Assistant Returning Officers. On this evidence, I have to consider whether the petitioner has made out any *prima facie* case either for inspection and scrutiny or recount. His learned counsel has brought to my notice the latest pronouncement of their Lordships of the Supreme Court in *Jagjit Singh v. Kartar Singh* (8) A.I.R. 1966 S.O. 773 @ 783 that in a proper case the Tribunal can order the inspection of the ballot boxes and may proceed to examine the objections raised by the parties in relation to the improper acceptance or rejection of the voting papers. The petitioner has given in his election petition certain material facts on which he relies and prays for inspection of the ballot papers as well as recount of the same. Therefore, I must consider whether the evidence oral and documentary is sufficient for the purpose. Their Lordships of the Supreme Court have specifically observed that they do not propose to lay down any hard and fast rule in the matter and that to attempt to lay down such a rule would be inexpedient and unreasonable. It is clear from the evidence that none of the counting agents maintained any record to note down the irregularities of improper rejection or reception of ballot papers at his counting centre at the time of sorting and counting of the ballot papers. In the small booklet called the instructions for Counting Agents, Rule 9 says:

"You may, however, note down the serial number and name of the polling station with the counting of which you are not satisfied and the grounds for such dissatisfaction."

Therefore whatever the extra counting agents say in the witness box is only on information given by the counting agents. It is clear that neither the extra counting agents nor the counting agents at any of the counting centres maintained any record to note down the specific polling stations and the nature and number of votes rejected by the counting supervisor at a particular table, though they had at every stage ample opportunity to examine the voting papers and raise objections. These extra counting agents have stated unhesitatingly that the figures they gave in regard to the improper rejection or acceptance, in regard to the number of doubtful votes, or in regard to ballot papers rejected without adjudication or the particulars as to missing votes were all based on their estimation. They have also stated that the documents they produced like Ex. P-10 and P-12 contained only figures copied from the blackboard.

Merely giving a concise statement in the petition that about 400 votes bearing the mark clearly in favour of the petitioner have been improperly rejected on the ground of faint impression, that 452 ballot papers have been rejected on the ground that the marks were smudged, that 1,250 ballot papers belonging to the petitioner were mixed up with the votes of the first respondent and that 952 doubtful votes were rejected without verification in the 624 polling stations of the Tiruchendur Parliamentary Constituency would not be in compliance with the provisions of Section 83(1)(a) of the Act. Their Lordships of the Supreme Court have observed in *Jagjit Singh v. Kartar Singh* (8) A.I.R. 1966 S.C. 773 @ 783 that the Election Tribunal should bear in mind the following considerations:

- (1) The petition shall contain a concise statement of the material facts on which the petitioner relies;
- (2) Vague or general allegations that valid votes were improperly rejected, or invalid votes were improperly accepted, would not serve the purpose;

- (c) it should be borne in mind that the statutory rules framed under the Act are intended to provide adequate safeguard for the examination of the validity or invalidity of votes and for their proper counting;
- (d) care must be taken to see that the election petitioner does not get a chance to make a roving or fishing enquiry in the ballot boxes so as to justify his claim that the returned candidate's election is void;
- (e) The Tribunal must consider whether the application has the necessary facts to consider whether in the interests of justice the ballot boxes should be inspected or not. In dealing with this question, the importance of the secrecy of the ballot papers cannot be ignored.

It is true that this Court can order inspection scrutiny or recount, if there is improper reception or refusal or rejection of votes. But it is not a matter of right for the petitioner. It would be ordered only if the petitioner makes out a *prima facie* case giving specific instances with reference to particular polling stations and the nature and number of ballot papers rejected. Merely to say that many ballot papers were wrongly rejected does not entitle the petitioner to a scrutiny of the ballot papers. Some suggestion of possible error will not be sufficient ground for allowance of an order for recount. Mere allegation that the petitioner has strong reasons for believing that material errors were made in the return of votes the corrections of which would change the result is quite an insufficient reason for recount. So also, mere allegation that full justice can only be done by a recount of the ballot papers is not sufficient to authorise recount, where no specific facts from which they may be inferred are given. Such an allegation is only a mere speculation, suspicion or conjecture or surmise. There should be such proof sufficient at least to raise a presumption of mistake, irregularity or fraud in the original count. The right of the defeated candidate to go behind the returns will be exercised only upon satisfactory preliminary proof of such substantial facts or well-grounded causes as to induce a strong apprehension that fraud or mistake prejudicial to the contestant might appear upon such examination; and, in the absence of preliminary proof, the return of the election by the sworn officer should stand as correct. The mere fact that ballot paper were not properly counted, verified and examined will not be sufficient ground for recount of the voting papers. An application for recount of the ballot papers will not be allowed, unless some specific mistake or fraud is pointed out in particular box in a particular polling station. Before ordering recount, there must be charges of mistake or fraud sufficiently precise to induce the Court to entertain the complaint. General allegation that errors are believed to exist is not enough to authorise the perilous and dangerous experiment of testing the election result by the result of recount. In the absence of fraud or misconduct on the part of the officers who were present at the time of the counting or illegality in the manner of rejection or reception of votes or in the manner of ascertaining the result, recount will not be made unless the petitioner shows a reasonable ground for supporting that mistake was made. If there are charges against any officer, they must be specifically pointed out. In one of the earliest cases on the subject, *The Stepney case* (9) 4 B. M. & H. 34 At 50-51 Justice Denham observed:

"We do not accede to the argument ..... that by merely asking for a recount in any case, upon grounds reasonable or unreasonable, the party has a right to have the votes recounted."

To the same effect is the observation in Halsbury's Laws of England (Simonds Edition) Vol. 14, paragraph 559:

"A recount is not granted as of right but on evidence of good grounds for believing that there has been a mistake on the part of the returning officer."

The principle is that unless there is positive proof of misconduct, recount cannot be ordered. In *Ram Sewak v. H. K. Kidwai* (10) A.I.R. 1964 S.C. 1249 @ 1252 their Lordships of the Supreme Court have observed:

"An order for inspection of ballot papers cannot be granted to support vague pleas made in the petition not supported by material facts or to fish out evidence to support such pleas. The case of the petitioner must be set out with precision supported by averments of material facts. To establish a case so pleaded, an order for inspection may undoubtedly, if the interests of justice require, be granted. But a mere allegation that the petitioner suspects or believes that there has been an improper reception, refusal or rejection of votes will not be sufficient to support an order for inspection."

It is obviously the duty of the Court to remember that election is held by ballot guaranteeing the secrecy of the ballot. The ballot secured by Constitution is

secret ballot. That secrecy is estimated by all authority to be essential to the free exercise of such suffrage. The chief reason for the general adoption of secret ballot in this country is that it affords the voter to preserve the secrecy of his vote and thus enable him to vote independently, fairly and freely without being overwed, intimidated or in any manner controlled by others and protects him from any ill, or prosecution. The secrecy of the ballot is justly regarded as an important and valuable safeguard for the protection of the voter and the humble citizen against influence which wealth and status may be supposed to exercise. Quoting the observations of Judge Cooley in his admirable work on Constitutional Limitations, McCrary in his book on Elections (Fourth Edition) says at page 360 paragraph 489;

"Public policy requires that the veil of secrecy should be impenetrable, unless the voter himself voluntarily determines to lift it."

The above-said principle has to be particularly remembered, while dealing with a petition for recount.

I am clearly of opinion that the petitioner has not been able to succeed in his petition either for inspection and scrutiny or recount; for, he has not given specific instances of irregularities of improper rejection or improper acceptance with reference to particular boxes in particular polling stations and the nature and number of such rejected or accepted votes. Of course, I do realise that the nothing of the particular polling box and particular polling station from part of 624 polling stations and the nature and number of rejected or accepted ballot papers during the process counting of ballot papers about 400015 is a very difficult and laborious task. But as justice Mellor said in *The Barnstable case* (11) 20 'M & H' 105:

"I quite think the election law is a cruel and somewhat hard law."

Mr. Baron Martin said in *The Westminster case* (12) 1. O'M&H. 95.

"The (election) law is a stringent law, a harsh law, a hard law."

Besides the proverbial saying that law is an Ass. When such is the election law, I find that the evidence adduced by the petitioner is so vague, general and uncertain that it does not enable this Court to come to a decision whether there is any irregularity in the counting of the voting papers or any contravention of any of the provisions of the statute, or the rules and regulations of the Election Manual. If a recount were to be ordered, it would only be a fishing excursion or a roving enquiry or an idle examination of the ballot papers already satisfactorily covered by the election returns. Under the circumstances, I find Issues 3 to 8 and 13 and 14 against the petitioner. I find on Issue 15 that the petitioner is not entitled to be declared as the duly elected candidate for 38, Tiruchendur Parliamentary Constituency.

In regard to costs of this petition, the ordinary rule is that costs follow the event. But there are certain exceptions to the rule and one of them is when there is a reasonable or probable cause for presenting the petition. I am of opinion that the petitioner has had a reasonable or probable cause for instituting the enquiry. I say, therefore, nothing about costs, although the petitioner has altogether failed in unseating the returned candidate by means of this petition.

In the result, the election petition is dismissed but without costs.

Ind. T.V.J. 20-10-67.

[No. 82/MD/10/67 ]

New Delhi, the 21st December 1967

**S.O. 5.**—In exercise of the powers conferred by Sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendments shall be made in its notification No. 434/HN/67, dated the 23rd November, 1967, namely:—

In the Table appended to the said notification:—

- (i) in column 3 against item '6, Gurgaon', for the existing entry at Serial No. 3 the entry "District Development and Panchayat Officer, Gurgaon" shall be substituted; and
- (ii) in column 3 against item '7. Mahendragarh', the entry at serial No. 3 shall be deleted and the entries at serial Nos. 4, 5 and 6 shall be renumbered as 3, 4 and 5, respectively.

[No. 434/HN/67.]

**S.O. 6.**—In pursuance of section 111 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Report, dated the 12th December, 1967 of the High Court of Orissa, Cuttack in Election Petition No. 4 of 1967.

# IN THE HIGH COURT OF ORISSA, CUTTACK

ELECTION PETITION No. 4 OF 1967

Dumba Sabora—*Petitioner.*

*Versus*

Ramachandra Ulka—*Respondent.*

## ORDER

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19. 10.11.1967 Notice of the date of hearing of the withdrawal application has been published in the official gazette. Mr. Sahu for the respondent has no objection to the withdrawal. He only pressed for costs. There are no materials on record to show that the application has been induced by any bargain or consideration. The application for withdrawal is allowed with costs. Advocate's fees is not allowed in awarding costs.

Notice of the fact that the withdrawal application has been allowed today shall be published in the official gazette immediately. Costs of the publication be paid out of the security deposit of the petitioner. It be also published in the notice board of the High Court.

Put up fourteen days, after intimation regarding publication in the official gazette is received.

Sd/- G. K. MISRA,

20. 12-12-1967 Heard learned advocates.

The application for withdrawal has been allowed by this Court and it has been published in the Orissa Gazette dated November 24, 1967. No person has come forward to be substituted in place of the petitioner. The case is closed. A report of the fact that the case has been withdrawn be made to the Election Commission as required under section 111 of the Representation of the People Act, 1951.

Sd./- G. K. MISRA,

True Copy

Sd/- Deputy Registrar

12.12.1967. Orissa High Court.

[No. 82/OR/4/67.]

*New Delhi, the 22nd December 1967*

**S.O. 7.**—In exercise of the powers conferred by sub-section (1) of Section 22 of the Representation of the People Act, 1951, the Election Commission hereby cancels its notifications mentioned below.

1. No. 434/UP/67, dated the 9th February, 1967.

2. No. 434/UP/67, dated the 13th February, 1967.

[No 434/UP/67.]

**S.O. 8.**—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 28th November, 1967, by the High Court for the States of Punjab and Haryana at Chandigarh in Election Petition No. 31 of 1967.

## IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Election Petition Side

ELECTION PETITION No. 31 OF 1967

Doctor Gopal Singh, Ex-Medical Officer, 5/20 s/o S. Himmat Singh, resident of Azad Nagar, G.T. Road, Amritsar—*Petitioner.*

## Versus

1. Surjit Singh Majithia contestant Amritsar Parliamentary Constituency, s/o S. Sundar Singh, Majithia House, Albart Road, Amritsar.
2. Darshan Singh contestant Amritsar Parliamentary Constituency, s/o S. Jodh Singh, 26, Mawa Mandi, Outside Hall Gate, Amritsar.
3. Narindar Singh Sarkaria contestant Amritsar Parliamentary Constituency, Village Dhaul Kalan, P.O. Raja Sansi, District Amritsar, s/o Gian Singh.
4. Yagya Datt contestant Amritsar Parliamentary Constituency, Jan Sangh Office, Katra Jaimal Singh, Amritsar, s/o Dina Nath.
5. Hazara Singh contestant Amritsar Parliamentary Constituency, s/o Gurdit Singh, Village and P.O. Majithia, District Amritsar.
6. Yaga Datt Sharma, s/o Shri Dina Nath, Member Lok Sabha, New Delhi.

Election Petition under section 80 and 81 of the Representation of People Act, 1951, praying that the election of respondent No. 6 be declared void and be set aside and the petitioner be declared as elected from Amritsar Parliamentary Constituency.

Dated the 28th November, 1967.

## PRESENT:

Hon'ble Mr. Justice D. K. Mahajan

*For the Petitioner:—*In Person.

*For the Respondent:—*Mr. B. R. Tull Senior Advocate with Mr. S. S. Mahajan, Advocate for Respondent No. 1, Mr. Rajinder Sachar, Advocate for Respondents No. 4 and 5.

## JUDGMENT

This is a petition by Dr. Gopal Singh Ex-Medical Officer, under Section 80 and 81 of the Representation of the People Act, 1951 (hereinafter referred to as the Act) calling in question and election of respondent No. 6 who is also respondent No. 4 in the petition.

The petitioner was a candidate for the Parliament from Amritsar Constituency. The other five persons who were contesting from the same Constituency were (1) Surjit Singh Majithia, respondent No. 1; (2) Darshan Singh, respondent No. 2; (3) Narinder Singh, respondent No. 3; Yag Dutt, respondent No. 4 and 6 and Hazara Singh, respondent No. 5. The poll was held on the 19th February, 1967, and the result was declared on the 24th of February, 1967. Respondent No. 4 was declared as the returned candidate. The last date for filing the nomination papers was 20th of January, 1967 and the date of scrutiny was 21st of January, 1967. The original petition calling in question the election of respondent No. 4, was filed on the 8th of April, 1967. Office raised certain objection to the petition on the ground that the petition was not in accordance with the provisions of Section 81 read with sub-section (1) of Section 100 and 101 of the Act. Ultimately the petitioner filed an amended petition on 23rd of May, 1967. After service of notice on the respondents, only respondents No. 1 and 4 filed the written statement. Proceedings were *ex-parte* against the other respondents. The preliminary objections were decided by my order dated the 14th of August, 1967, and the case was fixed for the 30th August, 1967, for the purpose of framing the issues. On the 30th of August, 1967, I framed the following three issues:—

- (1) Whether the objections raised against the nomination papers during scrutiny were not properly and legally dealt with and what were those objections?
- (2) If issue No. 1 is proved, what is the effect of those objections not being properly heard and decided so far as the petitioner is concerned?
- (3) Whether respondent No. 1 procured the assistance of Dr. Surat Singh, P.V.S., P.A. to the Chief Minister, Punjab and whether he actively solicited support and canvassed voters for respondent No. 1, between 21st of January, 1967 and 17th of February, 1967, in the Constituency and what is its effect?

The petitioner did not summon any evidence and has rested content by offering himself as his only witness. The respondents have led no evidence either. I will now take up each one of the issues in their respective order.

*Issues Nos. 1 and 2*

In support of these issues, the petitioner has put in Court four documents, Exhibits X, A, B and C. 'X' purports to be a copy of the objections filed by him before the Returning Officer at the time of the scrutiny of the nomination papers and 'A', 'B' and 'C' are the applications made by him for a certified copy of the objection petition 'X'. He has not cared to summon the Returning Officer or the record of the Returning Officer to show that any such application like 'X' was filed by him before the Returning Officer. He has also not produced any certified copy of that application. His stand now is that he made the applications to the copying department and he was told verbally that there is no such application on the record of which he is wanting a certified copy. In this situation, it is not possible to hold that the allegations made in paragraph 4, which is reproduced below and which is the subject matter of Issues Nos. 1 and 2 have been substantiated. It is also significant that in the petition the petitioner's stand is not that he filed any objections before the Returning Officer. His stand therein is that the objections were filed by Captain Ajit Singh. It is only in evidence as his own witness that he has made out a case that he filed the objections before the Returning Officer.

"That the said election of the respondent is void under the provision of the said R.P. Act, 1951 inasmuch as the nomination papers of respondent No. 6 were never filed and of Nos. 1 to 5 all were neither in the prescribed form nor in accordance with the provisions of the said Act and rules framed thereunder. Besides none of them was qualified for being elected to the said Parliamentary Seat in view of the written objections raised by the petitioner, Captain Ajit Singh, Chairman Block Samiti, Jandiala Guru, Government Regd. Doctor practising at Raya etc., against the said respondent at the time of scrutiny and which had not been properly and legally dealt with by the Returning Officer".

I am, therefore, constrained to hold that the petitioner has miserably failed to prove issues Nos. 1 and 2 and they must accordingly be found against him.

*Issue No. 3*

The allegations regarding this issue are contained in paragraph 9 of the petition and are reproduced below :—

"That respondent No. 1 also procured the assistance of various Government servants e.g. Labh Singh Employee Municipal Committee, Amritsar, Doctor Surat Singh, P.V.S., P.A. of the Chief Minister, Punjab, who very actively solicited support and canvassed voters for the said candidate between 22nd January, 1967 to 17th February, 1967 in the Constituency. (The respondent and the supporters secured all the votes by exploiting sentiments of the voters for getting votes by National Appeals from the dead National Leaders of repute etc.).

These allegations are denied by respondent No. 1. No evidence has been led to prove any of the allegations made in this paragraph. In this situation, this issue must also be found against the petitioner.

The result, therefore, is that there is no evidence on the record on the basis of which the petitioner has been able to substantiate the allegations covered by issues Nos. 1, 2, and 3.

The petition accordingly falls and is dismissed. The respondents will be entitled to Rs. 400 as costs. The costs are apportioned as follows:—

Rs. 150 will be paid to respondent No. 1 and Rs. 250 to respondent No. 4.

(Sd.) D. K. MAHAJAN,

Judge.

November 28, 1967.

[No. 82/PB/31/67.]

**ORDERS**

New Delhi, the 12th December 1967

**S.O. 9.**—Whereas the Election Commission is satisfied that Shri Jagannath, a contesting candidate for election to the House of the People from Shajapur constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jagannath to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/30/67.]

**S.O. 10.**—Whereas the Election Commission is satisfied that Shri D. Pavadai Chettiar of Ponnampkuppam Post, Gingee Taluk, South Arcot District, Madras State, a contesting candidate for election to the House of the People from 9-Tindivanam Parliamentary constituency, in the State of Madras has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri D. Pavadai Chettiar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MD/HP/9/67.]

*New Delhi, the 14th December 1967*

**S.O. 11.**—Whereas the Election Commission is satisfied that Shri L. Seshadri of 2/3 Agharam, Kalancheri Post, (via. Saliyamangalam) Thanjavur District, Madras State, a contesting candidate for election to the House of the People from Kumbakonam Parliamentary Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri L. Seshadri to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MD-HP/29/67(1).]

**S.O. 12.**—Whereas the Election Commission is satisfied that Shri Irusappa Bakthar of 127 Thukkampalaya Street Kumbakanam, Madras State, contesting candidate for election to the House of the People from Kumbakanam Parliamentary constituency, has failed to lodge an account of his election expenses within the time required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Irusappa Bakthar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MD-HP/29/67(2).]

*New Delhi, the 19th December 1967*

**S.O. 13.**—Whereas the Election Commission is satisfied that Shri P. S. Rajan, Pulukuzhiyil House, Sachivothamapuram, P.O. Changanacherry, District Kottayam, a contesting candidate for election to the House of the People from the Kottayam parliamentary constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;



And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri P. S. Rajan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-HP/13/67(3).]

**S.O. 14.**—Whereas the Election Commission is satisfied that Shri T. V. Chathukutty Nair, P.O. Valiayankote, Palayangadi, Kerala State, a contesting candidate for election to the House of the People from the Kasargod parliamentary constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri T. V. Chathukutty Nair to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-HP/1/67(2).]

**S.O. 15.**—Whereas the Election Commission is satisfied that Shri Ashraf, 59, Ismailpur, Gorakhpur, Uttar Pradesh, a contesting candidate for election to the House of the People from Gorakhpur constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any good reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ashraf to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. UP-HP/38/67.]

By Order,

K. S. RAJAGOPALAN, Secy.

## MINISTRY OF LAW

(Legislative Department)

New Delhi, the 22nd December 1967

**S.O. 16.**—In pursuance of section 20 of the Presidential and Vice Presidential Elections Act, 1952 (31 of 1952), the Central Government hereby publishes the order made on the 7th November, 1967, by the Supreme Court of India in Election Petition No. 1 of 1967.

“IN THE SUPREME COURT OF INDIA

CIVIL

ORIGINAL/JURISDICTION

ELECTION PETITION No. 1 OF 1967

(Under Part III of the Presidential and Vice-Presidential Election Act, 1952)

1. Shri Baburao Patel, M.P. 44/2D, Meenabagh, Maulana Azad Road, New Delhi-11.
2. Shri Digvijay Nath, M.P., 225, North Avenue, New Delhi.
3. Shri Hardayal Deygun, M.P., 341, Vinay Marg, New Delhi.
4. Shri Swami Brahmanand, M.P., 34, North Avenue, New Delhi.
5. Shri Brij Bhushan Lal, M.P., J-168, Rajauri Garden, New Delhi.

6. Shri Ram Gopal Shalwale, M.P., B-3/4, Mandir Marg, Krishna Nagar, Delhi.
7. Shri Ranjit Singh, M.P., 10, Vitthalbhai Patel House, New Delhi.
8. Shri Suraj Bhan, M.P., W-64, Rattan Park, Near Ramesh Nagar Bus Stand, New Delhi.
9. Shri Yashwant Singh Kushwah, M.P., 209, Ranjit Hotel, New Delhi.
10. Shri Trilokshah Lal Priendra Shah, M.P., 30, Dr. Rajindra Prasad Road, New Delhi.
11. Shri Niranjan Varma, M.P., 186, North Avenue, New Delhi.
12. Shri K. K. Nayar, M.P., 2, South Avenue Lane, New Delhi.
13. Smt. Shakuntala Nayar, M.P., 2, South Avenue Lane, New Delhi.—*Petitioners.*

*Versus*

1. Dr. Zakir Husain, Rashtrapati Bhavan, New Delhi.
2. Shri Koka Subba Rao, 2, Motilal Nehru Marg, New Delhi.
3. Ramburkar Shrinivas Gopal, 222, Sadashiv Peth, Poona-9.
4. Brahma Deo of Rectipur-Ghazipur in U.P., C/o. Shri B. P. Sinha, 18/11, West Patel Nagar, New Delhi.
5. Chandradutt Senani, Sukulpur, Partapgarh, U.P.
6. U. P. Chugani, Advocate, Fatehgarh, Bhopal, M.P.
7. Dr. M. C. Davar, Connaught Place, Block B/31/32, New Delhi.
8. Ch. Hari Ram, Advocate, Hari Niwas, Rohtak, Haryana.
9. Khubi Ram, Village Dabodha, Tahsil and Distt. Gurgaon, Haryana.
10. Krishna Kumar Chatterjee, 13, Bhagabati Lane, Calcutta-26.
11. Kumar Kamla Singh, Editor, "Angar" Weekly, Motihari, Champaran, Bihar.
12. Dr. Man Singh, Editor, 'Indian Doctor' Barnala (Pb.).
13. Shrimati Manohara Holkar, 387, Govindpura, Raison Road, Bhopal.
14. Motilal Bhikhabhai Patel, Gawada, Taluk Vijapur, Distt., Mehsana (NC).
15. Sitaramayyah Ramaswamy Sharma Hoysala, Advocate, 77, Wilson Garden Division, Basavangudi, Bangalore.
16. Swami Satyabhakt, Satyashram, Bargaon, Wardha (Maharashtra).
17. Yamuna Prasad Trishulia, V. and P. Middha, Distt. Ballia.—*Respondents.*

**Coram:**

7th Novmeber, 1967.

The Hon'ble The Chief Justice.

The Hon'ble Mr. Justice R. S. Bachawat.

The Hon'ble Mr. Justice V. Ramaswami.

The Hon'ble Mr. Justice G. K. Mitter.

The Hon'ble Mr. Justice K. S. Hegde.

*For the Petitioners.*—Mr. R. V. S. Mani, Advocate.

*For Respondent No. 1.*—Mr. M. C. Setalvad, Senior Advocate, (Messrs. J. M. Mukhi and A. S. Nambiar, Advocates with him).

*For Respondent No. 6.*—Mrs. E. Udayaratnam, Advocate.

*For Respondent No. 10.*—Mr. Janardhan Sharma, Advocate.

*For Respondent No. 12.*—Mr. O. P. Varma, Advocate.

*For Respondent No. 14.*—M/s. C. C. Patel and M. V. Goswami, Advocates.

*For Respondent No. 17.*—M/s. Bhimsena Rao and R. A. Gupta, Advocates.

*For Election Commission and Returning Officer (Vide Court's order dated 13th June, 1967).*—Mr. C. K. Daphtary, Attorney General for India (M/s. R. H. Dhebar and S. P. Nayar, Advocates with him).

*For Attorney General for India (Vide Court's Order dated 13th June 1967).*—Mr. C. K. Daphtary, Attorney General for India and Mr. N. S. Bindra, Senior Advocate (Mr. R. H. Dhebar, Advocate with them).

The Petition above mentioned being called on for hearing before this Court on the 23rd and 24th days of October, 1967, upon hearing Mr. R. V. S. Mani Counsel for the Petitioners Mr. M. C. Setaivad Counsel for Respondent No. 1, Mr. C. K. Daphtary Counsel for the Election Commission and Returning Officer and Attorney General for India and Mr. Bhimsena Rao Counsel for Respondent No. 17 the Court took time to consider its Judgement and the Petition being called on for Judgement on the 7th day of November, 1967, This Court Doth Order (1) that the Petition abovementioned be and is hereby dismissed (2) that there shall be no order as to costs.

Witness the Hon'ble Mr. Kailas Nath Wanchoo Chief Justice of India at the Supreme Court New Delhi this the 7th day of November, 1967.

M. P. SAXENA.

Dy. Registrar".

[No. F. 23(39)/67-Elec.]

New Delhi, the 23rd December 1967

**S.O. 17.**—In pursuance of section 20 of the Presidential and Vice-Presidential Election Act, 1952 (31 of 1952). the Central Government hereby publishes the order made on the 29th September, 1967 by the Supreme Court of India, in Election Petition No. 2 of 1967.

"IN THE SUPREME COURT OF INDIA ORIGINAL JURISDICTION"

ELECTION PETITION No. 2 OF 1967.

Shri U. P. Chugani, Fatehgarh, Bhopal.

(Name Struck off *vide* this Court's Order dated 11th August, 1967).—Petitioner.

*Versus*

1. Dr. Zakir Hussain, Rashtrapathi Bhawan, New Delhi.

2. Shri B. N. Banerjee, Returning Officer, Parliament House, New Delhi.

3. The Election Commission of India, New Delhi—Respondents.

29th September, 1967

Coram:

The Hon'ble The Chief Justice

The Hon'ble Mr. Justice R. S. Bachawat

The Hon'ble Mr. Justice V. Ramaswami

The Hon'ble Mr. Justice G. K. Mitter

The Hon'ble Mr. Justice K. S. Hegde

For the Petitioner: Mr. R. V. S. Mani, Advocate.

Whereas the Petitioner above-named had on the 8th June, 1967 presented a petition to this Court under Part III of the Presidential and Vice-Presidential Elections Act, 1952 (Act No. XXXI of 1952) praying *inter alia* that the election of Respondent No. 1 above-named as President of India be declared void;

And whereas consequent upon the default committed by the Petitioner above-named in not complying with the provisions of Rule 15 Order 39, Supreme Court Rules, 1966 this Court by its order dated the 11th August 1967 was pleased to order that the name of the Petitioner herein be struck off from the Petition under the rule 25 order 39, Supreme Court Rules, 1966 and further directed that the fact of the striking off the name of the Petitioner be published under rule 24 *ibid* in the official Gazette and one newspaper *viz.*, Times of India, Bombay and that notice be given that within 14 days of the publication thereof in the Official Gazette any other candidate or another 10 electors who might himself or themselves as petitioner or petitioners apply for substitution to this Court;

And whereas the notice mentioned above was published in the Official Gazette and Times of India, Bombay on the 26th August, 1967;

And whereas on the expiry of 14 days as stipulated in the said notice neither any other candidate for the Presidential Election nor 10 electors made any application to this Court for substitution of his or their names as petitioner or petitioners in place of the petitioner above-named;

And whereas the Petition abovementioned was, posted for further orders before the Court under rule 26 order 39, Supreme Court Rules, 1966 on the 29th day of September, 1967 upon perusing the Office Report this Court doth order that the Petition abovementioned be and is hereby dismissed;

And this Court doth further order that this order be punctually observed and carried into execution by all concerned.

Witness the Hon'ble Mr. Kallias Nath Wanchoo Chief Justice of India at the Supreme Court New Delhi this the 29th day of September, 1967.

Sd./- M. P. SAXENA,  
Deputy Registrar.

[No. F.23(72)/67-Elec.]

A. S. LOKANATHAN, Under Secy.

## MINISTRY OF HOME AFFAIRS

### CORRIGENDUM

*New Delhi, the 6th January 1968*

**S.O. 18.**—In the notification of the Government of India, in the Ministry of Home Affairs, No. S.O. 972, dated 17th March, 1967, published in the Gazette of India Extraordinary dated 19th March, 1967—

for Shrimati R. T. Shining.

read Shrimati S. Byrne *alias* R. T. Shining.

[No. F. 10/46/67-SR.]

P. N. VASUDEVAN, Dy. Secy.

## MINISTRY OF EXTERNAL AFFAIRS

*New Delhi, the 22nd December 1967*

**S.O. 19.**—In pursuance of Clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri P. K. Takkar, Assistant in the Embassy of India, Cairo to perform the duties of a Consular Agent with immediate effect until further orders.

[No. T-4330(5)/66.]

S. K. CHATTERJEE, Under Secy.

*New Delhi, the 26th December 1967*

**S.O. 20.**—In exercise of the powers conferred by Section 3 of the Emigration Act, 1922 (VII of 1922), the Central Government hereby appoint Shri Krishen Sur, Superintendent, Regional Passport and Emigration Office, Delhi to be Protector of Emigrants, Delhi in addition to his own duties with effect from December 17, 1967 to January 7, 1968, in addition to his own duties *vice* Shri J. A. David, Protector of Emigrants, Delhi granted leave for the said period.

[No. CPEO/24/67.]

C. S. V. SUNDRAM,  
Attache (PVA).

## MINISTRY OF FINANCE

(Department of Economic Affairs)

*New Delhi, the 20th December 1967*

**S.O. 21.**—In pursuance of the provisions of clause (d) of sub-section (i) of Section 6 of the Deposit Insurance Corporation Act, 1961 (47 of 1961), the Central

Government, in consultation with the Reserve Bank of India, hereby nominates Shri V. H. Vora, Executive Director, Life Insurance Corporation, Bombay, as a director of the Deposit Insurance Corporation for a period of two years with effect from the 1st January, 1968 vice Shri G. S. Diwan.

[No. F. 10/16/67-SB.]

*New Delhi, the 23rd December 1967*

**S.O. 22.**—In exercise of the powers conferred by clause (c) of sub-section (1) read with sub-section (7) of Section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby renominates Shri P. L. Tandon as a Director of the Central Board of the Reserve Bank of India with effect from the 15th January, 1968.

[No. F. 3 (82)-BC/67.]

New Delhi, the 28th December 1967

S.O. 23.—Statement of the Affairs of the Reserve Bank of India as on the 22nd December, 1967.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . . . .	5,00,00,000	Notes . . . . .	36,59,25,000
		Rupree Coin . . . . .	2,89,000
Reserve Fund . . . . .	80,00,00,000	Small Coin . . . . .	3,88,000
National Agricultural Credit (Long Term Operations) Fund . . . . .	131,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	263,44,91,000
National Agricultural Credit (Stabilisation) Fund . . . . .	25,00,00,000	Balances Held Abroad* . . . . .	42,42,95,000
National Industrial Credit (Long Term Operations) Fund . . . . .	30,00,00,000	Investments** . . . . .	123,61,21,000
		Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments @ . . . . .	70,76,30,000

		Loans and Advances to :—	
		(i) Scheduled Commercial Banks	3,11,57,000
(a) Government		(ii) State Co-operative Banks††	190,62,63,000
		(iii) Others	2,19,80,000
(i) Central Government	50,27,00,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund:—	
(ii) State Governments	5,24,36,000	(a) Loans and Advances to :—	
		(i) State Governments	28,00,81,000
		(ii) State Co-operative Banks	13,50,04,000
(b) Banks		(iii) Central Land Mortgage Banks	
		(b) Investment in Central Land Mortgage Bank Debentures	7,46,98,000
(i) Scheduled Commercial Banks	142,10,85,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund:—	
(ii) Scheduled State Co-operative Banks	6,72,26,000	Loans and Advances to State Co-operative Banks	8,10,93,000
(iii) Non-Scheduled State Co-operative Banks	83,58,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—	
(iv) Other Banks	13,95,000	(a) Loans and Advances to the Development Bank	5,84,15,000
(c) Others		(b) Investment in bonds/debentures issued by the Development Bank	
Bills Payable	28,64,03,000	Other Assets	49,04,75,000
Other Liabilities	60,92,72,000		
Rupees	844,83,05,000	Rupees	844,83,05,000

\*Includes Cash and Short-term Securities.

\*\*Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 84,37,000 advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 27th day of December, 1967

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 22nd day of December, 1967

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	36,59,25,000		Gold Coin and Bullion :—		
Notes in circulation	30,15,58,45,000		(a) Held in India	115,89,25,000	
Total Notes issued		30,52,17,70,000	(b) Held outside India		
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		79,62,42,000
			Government of India Rupee Securities		2690,24,03,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		30,52,17,70,000	TOTAL ASSETS		3052,17,70,000

Dated the 27th day of December, 1967.

L. K. JHA,  
Governor.

[No. F.3(3)-BC/67.]



*New Delhi, the 29th December 1967*

**S.O. 24.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Bareilly Corporation (Bank) Ltd., Bareilly,—

(a) in respect of the Immevable properties held by it at Farrukhabad, and

(b) in respect of the house property held by it at Jugalghat, Brindaban (District Mathura)

till the 13th December, 1968.

[No. F. 15(3)-BC/67.]

V. SWAMINATHAN. Under Secy.

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**(Department of Revenue and Insurance)**

*New Delhi, the 29th December 1967*

**S.O. 25.**—In pursuance of sub-rule (2) of rule 126HH read with rule 126X of the Defence of India Rules, 1962, the Central Government hereby makes the following amendments to the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. F. 3/56/65-GC.II, dated the 20th December, 1965 namely:—

In the said notification, for the figures, letters and words "31st day of December, 1967", the figures, letters and words "30th day of June, 1968" shall be substituted.

[No. F. 3/31/67-GC.II.]

R. C. MISRA, Dy. Secy.

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**(Department of Revenue and Insurance)**

**STAMPS**

*New Delhi, the 30th December 1967*

**S.O. 26.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the bonds to the value of forty four lakhs of rupees to be issued by the Uttar Pradesh Financial Corporation, Kanpur, are chargeable under the said Act.

[No. 15/67-F. No. 1/81/67-Cus. VII/Stamps.]

M. S. SUBRAMANYAM, Under Secy.

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**CENTRAL BOARD OF DIRECT TAXES**

**INCOME-TAX**

*New Delhi, the 18th December 1967*

**S.O. 27.**—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the

following amendments to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT), dated the 18th May, 1964:

S. No. 42(E) Col. 3:

For "Income-tax Officer, B-Ward, Central Salaries Circle, Calcutta".

Read "Income-tax Officer, A-Ward, Central Salaries Circle, Calcutta".

S. No. 42(E) Col. 4:

For "do"

Read "Inspecting Assistant Commissioner of Income-tax who has been appointed to perform the functions of an Inspecting Assistant Commissioner of Income-tax in respect of Central Salaries Circle, Calcutta".

S. No. 42(G) (i) (ii) Column 3:

For "Income-tax Officer, C-Ward, Salaries Circle, Calcutta".

Read "Income-tax Officer, C-Ward, Central Salaries Circle, Calcutta".

[No. 17(F. No. 55/50/66-IT).]

*New Delhi, the 28th December 1967*

**S.O. 28.**—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule appended to its notification No. 20 (F. No. 55/1/62-IT), dated the 30th April, 1963, published as S.O. 1293 on pages 1454-1457 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 11th May, 1963 as amended from time to time:—

Against S. No. 7-A Delhi (Central) under column 3 of the Schedule appended thereto, the existing entry against item 1 shall be substituted by the following:

"1. Central Circles 1 to X at Delhi".

This notification shall take effect from 1st January, 1968.

[No. 164-F. No. 55/452/67-IT.]

A. RAGHAVENDRA RAO, Under Secy.

## MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports & Exports)

### ORDER

*New Delhi, the 19th December 1967*

**S.O. 29.**—M/s. The British Machinery Supplies Co., Faridabad were granted Licence No. P/RM/2155522, dated the 29th December, 1966, for import of Raw materials and Components for Sewing Machines worth Rs. 8,400 only from G.C.A. They have applied for issue of duplicate copy of this licence for Custom as well as Exchange Control copy of the same, on the ground that the original has been lost/misplaced. It is further stated that this licence was not registered with any Custom House and was not utilized at all.

2. In support of this contention M/s. The British Machinery Supplies Co., Faridabad have furnished an affidavit. I am satisfied that the original licence (both copies) has been lost/misplaced and direct that duplicate licence (both copies) should be issued to the party.

3. The original licence (both copies) is hereby cancelled.

[No. SM/B-1/66-67/R. M.I./2543.]

P. C. VERMA,  
Dy. Chief Controller of Imports and Exports.

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**(Office of the Dy. Chief Controller of Imports and Exports)****ORDER***New Delhi, the 20th December 1967*

**S.O. 30.**—In exercise of the powers conferred by clause 9 of the Import (Control) Order 1955, as amended, the undersigned hereby cancels both the customs purpose copy and exchange control purpose copy of the import licence No. G/RC/2086202/S/1A/25/CH/24 dated 1st June, 1967, for the import of goods for Air Compressors at Rs. 175,000 in favour of the General Manager, Integral Coach Factory, Madras. The reason for cancellation is that the contributors M/s. Heatly and Gresham Ltd., against whom orders were placed for supply of the goods covered by the licence have agreed to supply the goods against their own licence.

[No. 38-G/Rly/67-68/GLS/551.]

**S. A. SESHAN,****Dy. Chief Controller of Imports and Exports.**

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**MINISTRY OF HEALTH, FAMILY PLANNING & URBAN DEVELOPMENT****(Department of Health)***New Delhi, the 21st December 1967*

**S.O. 31.**—In exercise of the powers conferred by clauses (vii) and (viii) of section 2 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Central Government hereby declare BHUSAWAL MILITARY STATION as a "LOCAL AREA" for the purpose of the said Act, and prescribes the Officer Commanding incharge of the Military Station at Bhusawal as the "Local authority" under the said Act.

[No. F. 14-113/64-PH.]

**M. C. JAIN, Under Secy.**

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**(Department of Health)***New Delhi, the 23rd December 1967*

**S.O. 32.**—In pursuance of clause (h) of section 3 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government, after consultation with the Drugs Technical Advisory Board, and in supersession of the notification of the Government of India, in the late Ministry of Health No. F. 1-63/59-D dated the 24th March, 1961, hereby authorises the following pharmacopoeias for the purposes of clause (h) of the said section, namely:—

The editions for the time being of the National Formulary of India, the British Pharmacopoeia, the British Pharmaceutical Codex, the United States Pharmacopoeia, the National Formulary of the United States, the International Pharmacopoeia, the State Pharmacopoeia of the Union of Soviet Socialist Republics, the Swiss Pharmacopoeia, and the French Pharmacopoeia.

[No. F. 1-39/64-D.]

**AMAR NATH VARMA, Under Secy.**

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**MINISTRY OF PETROLEUM & CHEMICALS****(Department of Petroleum)***New Delhi, the 21st December 1967*

**S.O. 33.**—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2804, dated the 7th August, 1967 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

#### SCHEDULE

State: Gujarat

Dist: Mahesana

Taluka : Kalol

Village	Survey No.	Hector	Arc	P. Arc
Vadavswami	157	0	5	76
Vadavswami	156	0	4	35
Vadavswami	215	0	4	25
Vadavswami	214	}	0	4
Vadavswami	217			
Vadavswami	220	0	10	42
Vadavswami	231	0	5	86
Vadavswami	232	0	2	72
Vadavswami	233	0	4	25
Vadavswami	237	0	22	26
Vadavswami	240	0	5	86
Vadavswami	241	0	11	73
Vadavswami	V.P. Road	0	1	11
Vadavswami	270	0	3	84
Vadavswami	268	0	17	60
Vadavswami	266	0	11	13

[No. F. 20(3)/67/Prod/IOC.]

#### ERRATUM

New Delhi, the 22nd December 1967

**S.O. 34.**—In the notification of Government of India in the Ministry of Petroleum and Chemicals S.O. No. 1035, dated 26-3-1965 published in the Gazette of India, Part II, Section 3 in Sub-Section (ii), dated 3-4-1965.

1 At page No. 1117 and at village Undera, Taluka—Baroda

For				Read						
Survey No.	Acre	Guntha	Sq. Yds.	Survey No.	Acre	Guntha	Sq. Yds.	Hector	Arc	P. Arc.
319	0	16	85	319	0	14	116	0	15	12
317	0	17	108	317	0	22	116	0	23	22
316	0	2	73	316	0	4	83	0	4	74
314	0	19	101	314	0	27	66	0	27	8 7

Survey No.	Acre	Guntha	Sq. Yds.	Survey No.	Acre	Guntha	Sq. Yds.	Hec or	Are	P Arc
II. At page No. 1117 and at village Gorva, Taluka-Baroda.										
562	0	2	78	562	0	0	112	0	0	83
564/A	0	2	108	564/P	0	7	0	0	7	8
563	0	12	28	563	0	21	12	0	21	35
559/I	0	4	16	559/I+2	0	10	30	0	10	37
564/P	1	1	106	564/P	0	1	40	0	1	34
					+0	0	55	+0	0	45
544	0	16	114	544	0	28	80	0	28	99
543	0	12	48	543	0	17	43	0	17	56
542	0	11	19	542	0	15	85	0	15	88
436	0	8	72	436	0	16	64	0	16	72
435	0	5	35	{ 435 +	0	21	26	0	21	46
434/I+2	0	8	112	{ 434/I+2						
417	0	13	107	417	0	19	10	0	19	31
416	0	12	48	416	0	27	66	0	27	87
415/P	0	4	103	415/P	0	6	27	0	6	29
400	0	3	77	400	0	10	57	0	10	59
401	0	9	19	401	0	12	48	0	12	54
415/P	0	6	24	415/P	0	2	24	0	2	22

[No. 31(38)/67-Prod/ICC/Vol. 9]

P. P. GUPTA, Under Secy.

## MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

### (Department of Agriculture)

New Delhi, the 21st December 1967

**S.O. 35.**—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules further to amend the Turmeric Grading and Marking Rules, 1964, the same having been previously published, as required under the said section, namely:—

### RULES

1. These rules may be called the Turmeric Grading and Marking (Amendment) Rules, 1967.

2. In the Turmeric Grading and Marking Rules, 1964—

- (i) in rule 3 for the words, figures and letters "Schedules II, IIA, IIB, III, IIIA, and IV", the words, figures and letters, "Schedules II, IIA, IIB, III, IIIA, IV and IVA" shall be substituted.
- (ii) in rule 4, for the word and figure 'Schedule IV', the words, figures and letter 'Schedules IV and IVA' shall be substituted.
- (iii) for rules 5 and 6, the following rules shall be substituted, namely:—

"5. *Grade Designation Marks:*—

(1) The grade designation mark in the case of Turmeric (fingers, bulbs and powder) packed in polythene or paper bags shall consist of a design incorporating the number of the Certificate of Authorisation, the word 'Agmark' and the Grade approved by the Agricultural Marketing Adviser

(2) The grade designation mark in the case of Turmeric powder packed in tin or glass containers shall consist of a paste-on label, specifying the grade designation and bearing the design of a map of India with the word 'Agmark'.

(3) The grade designation mark in the case of Turmeric (fingers, bulbs and powder) packed in containers of jute or cloth as also in containers in which sealed polythene bags of graded turmeric (fingers, bulbs and powder) are packed

shall consist of a label specifying the grade designation and bearing a design (consisting of an outline map of India with the word 'Agmark' and the figure of the rising sun with the word 'Produce of India' and resembling the one as set out in Schedule I.

6. *Method of Marking:*

(1) The grade designation mark shall be securely affixed to or printed on each container in a manner approved by the Agricultural Marketing Adviser.

(2) In addition to the above, the following particulars shall also be clearly and indelibly marked on each container:—

(a) Date of packing in code or plain letters,

(b) Lot number, and

(c) Net weight.

(3) An authorised packer may, after obtaining the prior approval of the Agricultural Marketing Adviser mark his private trade mark on a container, in a manner approved by the said officer, provided that the private trade mark does not represent a quality or grade different from that indicated by the grade designation mark affixed to or printed on the container in accordance with these rules."

4. After Schedule IV, the following Schedule shall be added, namely:—

## SCHEDULE IVA

(See Rules 3 and 4)

*Grade designation and definition of quality of Turmeric powder (coarse ground)*

Grade Designation	Special Characteristics						General Characteristics
	Moisture % by wt. max.	Total ash % by wt. max.	Acid insoluble ash % by wt. max.	Lead as (Pb) parts per million max.	Starch % by wt. max.	Chromite test	
1	2	3	4	5	6	7	8
Standard	10.0	9.0	1.5	2.5	60.0	Negative	<ol style="list-style-type: none"> <li>1. The turmeric powder shall be prepared by grinding clean dry turmeric (<i>Curcuma longa</i> L.) rhizomes.</li> <li>2. It shall have its characteristic taste, flavour and be free from musty odour.</li> <li>3. It shall be free from dirt, mould growth and insect infestation.</li> <li>4. It shall be free from any colouring matter such as lead chromate, preservatives and extraneous matters such as cereal or pulse, flour or any added starch.</li> <li>5. It shall be ground to such a fineness that all of it passes through 500 micron sieve."</li> </ol>

NOTE :—This grade is for export only.

[No. 13-24/67-A.M.]

V. S. NIGAM. Under Secy.

### सिवाई व बिजली मंत्रालय

नई दिल्ली, 21 नवम्बर 1967

एस० ओ० 36.—भारत सरकार, सिवाई व बिजली मंत्रालय की अधिसूचना सं० ई० एल०-2-28(15)/67, दिनांक 31 अक्टूबर, 1967, जिसके अन्तर्गत केन्द्रीय बिजली प्राधिकार का पुनः स्थापन किया गया है, दिसम्बर 1967 से लागू होगी।

[सं० ई० एल०-2-28(15)/67.]

के० पी० मधुली, सचिव।

### MINISTRY OF IRRIGATION AND POWER

New Delhi, the 21st December 1967

**S.O. 37.**—In exercise of the powers conferred by sub-section (1) of Section 36 of the Indian Electricity Act, 1910, the Central Government, in supersession of all previous notifications in this behalf, hereby appoint the Director (Commercial), Central Water and Power Commission (Power Wing), to be the Central Electrical Inspector in respect of the following:—

1. *Union Territories of:*  
Himachal Pradesh, Manipur, Tripura, Andaman and Nicobar Islands, within the Territory of Pondicherry and Dadra and Nagar Haveli.
2. *Ministry of Information and Broadcasting:*  
All India Radio.
3. *Ministry of Works, Housing and Supply (Department of Works and Housing):*  
Central Public Works Department.
4. *Ministry of Transport and Shipping:*  
Cochin, Kandla and Tuticorin Ports.
5. *Ministry of Tourism and Civil Aviation:*  
(a) Indian Meteorological Department,  
(b) Civil Aviation,  
(c) Overseas Communication Service.
6. *Ministry of Labour, Employment and Rehabilitation (Department of Rehabilitation):*  
Dandakaranya Project.
7. *Ministry of Steel, Mines and Metals (Department of Iron and Steel):*  
Steel Plants of Hindustan Steel Ltd., and the townships of these Steel Plants.
8. *Ministry of Irrigation and Power:*  
Electrical installations belonging to or under the control of the Ministry of Irrigation and Power.
9. *Ministry of Petroleum and Chemicals (Department of Chemicals):*  
Nangal Fertilizer Unit.
10. *Ministry of Industrial Development and Company Affairs (Department of Industrial Development):*  
(a) Instrumentation Ltd., Kota, Rajasthan,  
(b) Small Scale Service Institute, Madras.



11 *Department of Atomic Energy:*

Projects, other than the Mines, belonging to or under the control of the Department of Atomic Energy

[No. EL.II-34(20)/67.]

S. NARAYANASWAMY, Under Secy.

**CORRIGENDUM**

*New Delhi, the 26th December 1967*

**S.O. 38.**—In the Order published with the notification of the Government of India, in the Ministry of Irrigation and Power No. S.O. 4292 at pages 4557 and 4558 of Part II, Section 3(ii) of the Gazette of India dated the 9th December, 1967, the following corrections may be carried out:—

(i) Page 4557—

In line 37 word 'long' may be substituted in place of word 'loan';

(ii) Page 4558—

In line 6 word 'safe' may be substituted in place of word 'save'.

[No. EL.II-6(3)/65.]

M. RAMANATHAN,

Deputy Director (P).

**MINISTRY OF TRANSPORT AND SHIPPING**

**(Roads Wing)**

*New Delhi, the 18th December 1967*

**S.O. 39.**—In exercise of the powers conferred by sub-section (2) of section 2 of the National Highways Act, 1956 (48 of 1956), the Central Government hereby declares the highway between its junction (near Ko'aghat) with the National Highway No. 6 and the point where it touches Haldia Port to be national highway.

The said highway now declared to be a national highway shall be deemed to be specified in the Schedule to the National Highways Act, 1956 at serial No. 36A as National Highway No. 41.

[No. PL-10(4)/63.]

D. A. RAMA WARRIAR, Under Secy.

**(Transport Wing)**

*New Delhi, the 22nd December 1967*

**S.O. 40.**—In exercise of the powers conferred by sub-section (1) of section 15 of the Merchant Shipping Act, 1958 (44 of 1958), read with rules 3 and 9 of the Shipping Development Fund Committee (General) Rules, 1960, the Central Government hereby appoints Shri S. Balakrishnan, Joint Secretary and Legal Adviser, Ministry of Law, as a member of the Shipping Development Fund Committee with effect from the 1st January, 1968 *vice* Shri B. T. Merchant and makes the following further amendment in the notification of the Government of India in the Ministry of Transport (Transport Wing), S. O. 1047, dated the 28th March, 1965, namely:—

In the said notification, for the entries against Serial No. 5, the following entries shall be substituted, namely:—

"5. Shri S. Balakrishnan, Joint Secretary and Legal Adviser, Ministry of Law, 1st January 1968.

[No. 35-MD(9)/67-II.]

B. P. SRIVASTAVA, Dy. Secy.

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**(Transport Wing)****MERCHANT SHIPPING**

*New Delhi, the 22nd December 1967*

**S.O. 41.**—In exercise of the powers conferred by rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Bombay) Rules, 1954, the Central Government hereby reconstituted, with effect from the date of publication of this notification for a period of two years, the Seamen's Employment Board (Foreign-going), Bombay with the following members, namely:—

*Members representing Government.*

1. The Director General of Shipping.
2. The Deputy Director General of Shipping, in charge of Seamen's Employment Office, Bombay.
3. The Labour Commissioner, Bombay.
4. The Director of Employment, Bombay.
5. The Director, Seamen's Employment Office, Bombay.

*Members representing Shipowners.*

6. Shri J. W. Anson.
7. Capt. J. P. Mason—Price.
8. Capt. J. M. W. Robinson.
9. Shri T. M. Sanghavi.
10. Shri G. D. Ved.

*Members representing Seamen.*

11. Shri K. K. Khadilkar.
12. Shri Leo Barnes.
13. Shri Mohideen Bawa.
14. Shri M. Moidoo.
15. Shri U. M. D. Almeida.

2. The Director General of Shipping and the Deputy Director General of Shipping in charge of Seamen's Employment Office, Bombay, shall respectively be the Chairman and the Vice-Chairman of the Board.

3. The Director, Seamen's Employment Office, Bombay shall act as the Secretary of the Board.

[No. 15-MT(6)/67.]

K. RANGANATHAN, Dy. Secy.

**MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS****(Department of Industrial Development)***New Delhi, the 22nd December 1967*

**S.O. 42/IDRA/6/13/67.**—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), read with rules 5(1) and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 8th August, 1968, Shri Sriman Prafulla Goswami, a Member of the Rajya Sabha to be a member of the Development Council for Manmade Textiles established by the Order of the Government of India in this Ministry's Order No. S.O. IDRA/6/5/67, dated the 9th August, 1967 as amended *vide* Order No. IDRA/6/8/67, dated the 9th October, 1967 and directs that the following amendments shall be made in the said Order, namely:—

In the said Order, after entry No. 29, the following entry shall be inserted, namely:—

“30. Shri Sriman Prafulla Goswami, Member (Rajya Sabha), 163, North Avenue, New Delhi.”

[No. 2(1)-Dev. Council/66-L.C.]

R. C. SETHI, Under Secy.

**(Department of Industrial Development)****(Indian Standards Institution)***New Delhi, the 18th December 1967*

**S.O. 43.**—In exercise of the powers conferred on me under sub-regulation (4) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, modifications to the provisions of the Indian Standard, details of which are mentioned in the Schedule given hereafter, have tentatively been made with a view to expediting the use of the Standard Mark, without in any way affecting the quality of goods covered by the relevant standard :

**THE SCHEDULE**

Sl. No.	No. and Title of Indian Standard, the provisions of which have been modified	Particulars of the existing provisions	Particulars of the modifications made to the provisions	Date from which the modifications shall come into force
(1)	(2)	(3)	(4)	(5)
	IS: 2333-1963, Specification for Plaster of Paris	Table 1 relating to setting time	Against Sl. No. (vii) under col. 3 put an asterisk and add a foot-note under Table 1 as follows :  “*For toy and decoration industry, a setting time of 5 to 15 minutes shall also be permitted.”	18 December 1967

[No. MD/13 : 5/A]

(DR.) A. N. GHOSH,





Director General.

New Delhi, the 20th December 1967

**S.O. 44.**—In partial modification of the then Ministry of Industry (Indian Standards Institution) Notifications No.S.O.1534 and 541 dated 30 April 1964 and 5 February 1964 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 9 May 1964 and 15 February 1964 respectively, the Indian Standards Institution hereby notifies that the Standard Marks for water meters (domestic type) and plastic water-closet seats and covers have been revised. The revised designs of the Standard Marks together with the titles of the relevant Indian Standards and verbal description of the designs are given in the Schedule hereto annexed.

These Standard Marks for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 16 November 1967 :

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal Description of the Design of the Standard Mark
1	2	3	4	5
1.		Water meters (domestic type)	IS:779E-1966 Specification for water meters (domestic type) [third (emergency) revision].	The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side and relevant type designation being subscribed under the bottom side of the monogram as indicated in the designs.
2.				
3.		Plastic water-closet seats and covers	IS:2548E-1966 Specification for plastic water-closet seats and covers (revised).	The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side and relevant type designation being subscribed under the bottom side of the monogram as indicated in the designs.
4.				

New Delhi, the 22nd December 1967

**S.O. 45.**—The Certification Marks licences, details of which are mentioned in the Schedule given hereafter, have lapsed or their renewal deferred:

THE SCHEDULE

Sl. No.	Licence No. and Date	Licencee's Name and Address	Article/Process and the Relevant IS:No.	S.O. Number and Date of the Gazette Notifying Grant of Licence	Remarks
1	2	3	4	5	6
1	CM/L-109 4-11-1958	Savlar Paint & Varnish Works, Vihar Lake Road, Saki Naka, Kurla, Bombay	(i) Oil paste for paint—IS: 92-1950 and IS: 93-1950 (ii) Oil Paste for paints, zinc oxide—IS: 98-1950 and (iii) Oil paste for paints, zinc oxide, reduced—IS: 99-1950	S.O. 2408 dated 22-11-1958	Lapsed after 15-11-1967
2	CM/L-123 21-5-1959	Purshotham Goculdas Plywood Co, Cannanore, (Kerala State)	Tea-chest plywood panels—IS: 10-1964	S.O. 1335 dated 13-6-1959	Deferred after 30-11-1967
3	CM/L-473 20-11-1962	Chandra Electricals, S2/638 Club Road, Varanasi Cantt	(i) Small three-phase motors of 3/4 HP IS:325-1961 and (ii) Single-phase motors from 1/36 to 1 HP—IS:996-1964	—	Deferred after 30-11-1967
4	CM/L-584 24-9-1963	Ganges Flour Mills, 365 Harrisganj, G.T. Road, Kanpur	Maida, grade high gluten—IS:1009-1957	S.O. 2959 dated 19-10-1963	The licence was deferred after 15-10-1967 and has now to be treated as lapsed after that date
5	CM/L-761 21-8-1964	Swaika Oil Mills, 6 Kumarpara Road, Liluah, Howrah	Stearic acid technical, grades 3 and 4—IS: 1675-1960	S.O. 3553 dated 10-10-1964	Lapsed after 31-10-1967
6	CM/L-815 30-10-1964	Saminaga Sago Factory, Shevapet, Salem	Sago (saboodana)—IS:899-1956	S.O. 4038 dated 28-11-1964	Deferred after 15-11-1967
7	CM/L-816 30-10-1964	Poni Sago Factory, Gwalior Road, Salem	Sago (saboodana)—IS:899-1956	S.O. 4038 dated 28-11-1964	Deferred after 15-11-1967
8	CM/L-827 2-11-1964	Jindal Steel Works, Malerkotla (Pb)	Structural steel (standard quality)—IS: 226-1962	S.O. 79 dated 2-11-1965	Deferred after 15-11-1967
9	CM/L-828 2-11-1964	Jindal Steel Works, Malerkotla (Pb)	Structural steel (ordinary quality)—IS: 1977-1962	S.O. 79 dated 2-11-1965	Deferred after 15-11-1967

1	2	3	4	4	6
10	CM/L-835 10-11-1964	Hindustan Iron & Steel Co, 8 Rajendra Deb Road, Calcutta	Structural steel (standard quality)—IS: 226-1962	S.O. 79 2-1-1965	dated Deferred after 15-11-1967
11	CM/L-836 10-11-1964	Hindustan Iron & Steel Co, 8 Rajendra Deb Road, Calcutta	Structural steel (ordinary quality)—IS: 1977-1962	S.O. 79 2-1-1965	dated Deferred after 15-11-1967
12	CM/L-1157 28-10-1965	Hindustan Lever Ltd, Grand Trunk Road, Ghaziabad (U.P.)	Poultry feeds—IS: 1374-1964	S.O. 3586 20-11-1965	dated Deferred after 31-10-1967
13	CM/L-1161 2-11-1965	Madhya Pradesh Iron & Steel Works Pvt. Ltd, Bhilai (M.P.)	Structural steel (standard quality)—IS: 226-1962	S.O. 60 1-1-1966	dated Deferred after 15-11-1967
14	CM/L-1214 28-2-1966	Thakurdass Sureka Iron Foundry Ltd, 10 Goho Road, Ghusury, Howrah.	Cast iron flushing cisterns. for water closets and urinals (bell type) high level, 15 litre capacity—IS : 774-1964	S. O. 851 19-3-1966	dated The licence was de- ferred after 28-2- 1967 and has now to be treated as lapsed after that date
15	CM/L-1265 24-5-1966	Bharat Steel Tubes Ltd, Ganaur (Pb)	Mild steel tubes—IS : 1239-1964	S.O. 1799 18-6-1966	dated The licence wa- deferred after 31-5- 1967 and has now to be treated as lapsed after that date
16	CM/L-1302 26-7-1966	Lloyd Bitumen Products, B-7 & 8 Industrial Estate, Ambattur, Madras	Bitumen felts for water-proofing, type 3, grade 1—IS : 1322-1965	S. O. 2600 27-8-1966	dated The licence was de- ferred after 31-7- 1967 and has now to be treated as lapsed after that date
17	CM/L-1308 29-7-1966	Inland Electrical Mfg. Co Pvt. Ltd, Basunagar, Madhyamgram, 24 Parganas (West Bengal)	Direct-on-line motor starter, ordinary duty up to 6.5 kw (or 7.5 HP), 400/440 volts—IS: 1822-1961	S. O. 2600 27-8-1966	dated Lapsed after 15-8 1967
18	CM/L-1352 31-10-1966	Prem Enamel & Metal Factory, 6631-32 Chamelion Road, Bara Hindu Rao, Delhi.	Enamel ware for home use (wash basin and mugs only)—IS: 3149-1965	S. O. 3590 26-11-1966	dated Lapsed after 31-10- 1967
19	CM/L-1354 30-11-1966	Bengal Sports Goods Industries Co-operative Society Ltd, 15 B. T. Road, Barranagore, Calcutta.	Footballs, volley-balls, basket-balls and water polo balls—IS: 417-1965.	S. O. 3923 24-12-1966	dated Deferred after 30-11 1967

- |    |                         |   |   |                          |       |                        |                    |
|----|-------------------------|---|---|--------------------------|-------|------------------------|--------------------|
| 20 | CM/L-1335<br>30-11-1966 | Bengal Sports Goods Industries Co-operative Society Ltd, 15 B.T. Road, Barranagore, Calcutta. | Shuttlecocks-IS :415-1963                                   | S. O. 3923<br>24-12-1966 | dated | Deferred after<br>1967 | 30-11-             |
| 21 | CM/L-1363<br>30-11-1966 | The Bangalore White Lead Syndicate Ltd, G.T. Road, Konnagar, Distt Hooghly (W. Bengal).       | Basic carbonate of lead (white lead) for paints-IS: 34-1950 | S. O. 3923<br>24-12-1966 | dated | Deferred after<br>1967 | 30-11 <sup>I</sup> |


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[No. MD/33 : 16/C]

**S.O. 46.**—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 5th December, 1967:

#### THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.	IS: 3450 	Carbon papers hand writing	IS : 3450-1966 Specification for carbon papers, handwriting	The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col. 2, the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. MD/17:2.]

(DR.) SADGOPAL,

Dy. Director General.

#### MINISTRY OF EDUCATION

New Delhi, the 21st December 1967

**S.O. 47.**—In exercise of the powers conferred by section 13 of the Hindi Sahitya Sammelan Act, 1962 (13 of 1962), and in continuation of the notification of the Government of India in the Ministry of Education No. S.O. 2608, dated the 5th July, 1967, the Central Government hereby specifies a further period up to and including the 27th June, 1968 as the period within which the first Governing Body shall arrange to hold elections to the Governing Body in accordance with the provisions of the rules made under section 12 and take such further steps as may be necessary for its due constitution within the period specified above.

[No. F. 19-55/62-H-1.]

N. S. BHATNAGAR, Under Secy.

#### शिक्षा मंत्रालय

नई दिल्ली, 21 दिसम्बर 1967

सं. प्रो. 48.—हिन्दी साहित्य सम्मेलन अधिनियम, 1962 (1962 का 13) की धारा 13 द्वारा प्रदत्त शक्ति का प्रयोग करते हुए और भारत सरकार, शिक्षा मंत्रालय के तारीख 5 जुलाई, 1967 की अधिसूचना संख्या एस० प्रो० 2608 के तल्लिले में केन्द्रीय सरकार



इसके द्वारा उस अवधि को और आगे 27 जून 1968 तक (यह तारीख अवधि में शामिल है) बढ़ाती है जिनके भीतर प्रथम शासी निकाय को धारा 12 के अन्तर्गत निर्धारित नियमों के उपबन्धों के अनुसार शासी निकाय के चुनाव कराने की व्यवस्था करनी होगी और आगे वह कार्यवाही करनी होगी जो उपरि निर्दिष्ट अवधि के भीतर उसके समुचित गठन के लिए आवश्यक है।

[सं० एक० 19-55/62 एच० I-]

निरंकार स्वरूप भटनागर, अवर सचिव।

**(Cultural Activities Division I)**

**[CAI(1) Section]**

**ARCHAEOLOGY**

*New Delhi, the 27th December 1967*

**S.O. 49.**—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule attached hereto is of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

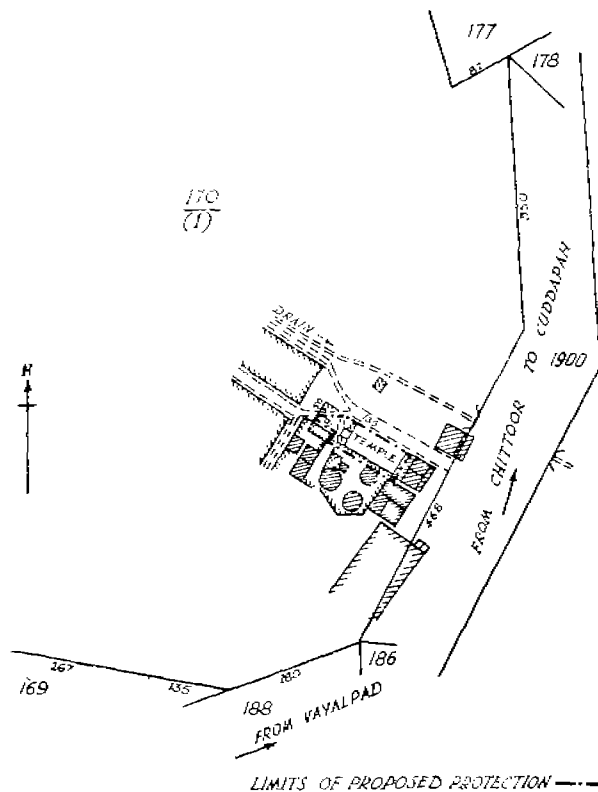
Any objection made within two months after the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

## TB &amp; SCHEDULE

State	District	Taluk	Locality	Name of Monument	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh.	Chittoor	Vayalpad	Kalakada	Palliswara Mudaiya Madeva temple together with adjacent area comprised in part of Survey plot No. 170-1 as shown in the plan reproduced below.	Part of survey plot No. 170-1 as shown in the plan reproduced below	·05 cent	<p><i>North</i> : Remaining portion of survey plot No. 170-1 (public street).</p> <p><i>East</i> : Remaining portion of survey plot No. 170-1 (Village Chavadi).</p> <p><i>South</i> : Remaining portion of survey plot No. 170-1. (Government owned cattle pond).</p> <p><i>West</i> : Remaining portion of survey plot No. 170-1 (public street).</p>	Government	The temple is not in religious use.

# SITE PLAN OF PALLISWARA MUDAIYA MADEVA TEMPLE AT KALAKADA

20 0 20 40 METRES 66 0 66 132 FEET



[No. F. 4/1/67-CAI(1).]

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**S.O. 50.**—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule attached hereto is of national importance.

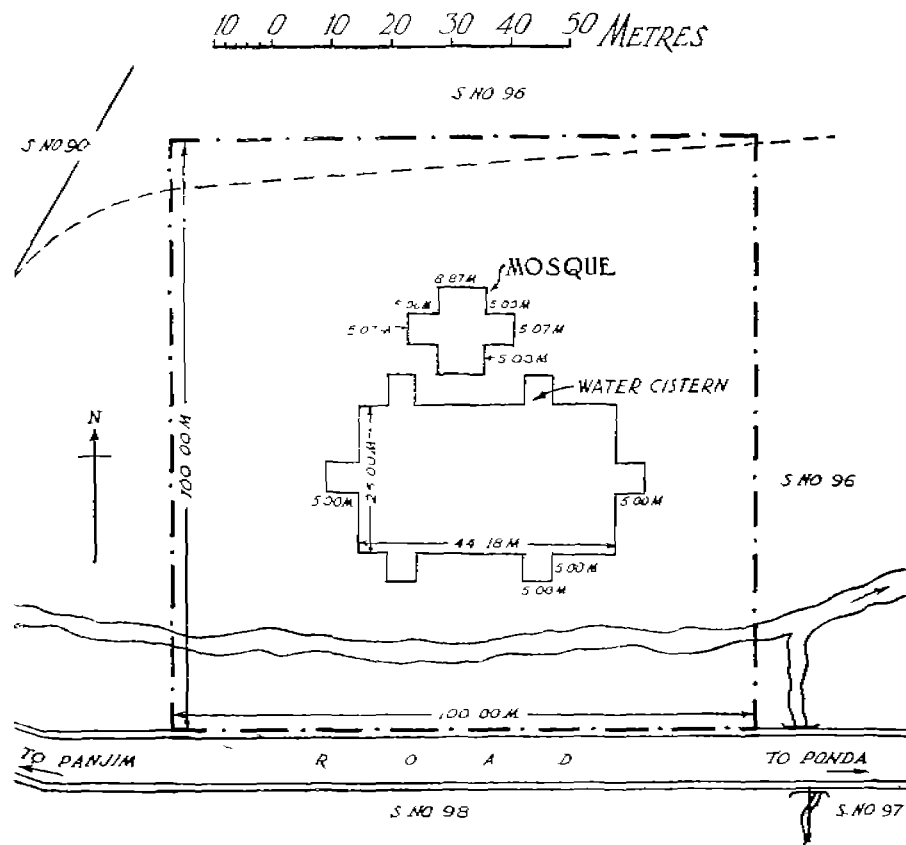
Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

THE SCHEDULE

State	District	Tehsil	Locality	Name of Monument	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Goa	Goa	Ponda	Bandora	Safa Masjid with masonry tank and other structural remains.	Part of survey plot No. 96 as shown in the plan reproduced below.	10,000 sq. mts.	North : Remaining portion of survey plot No. 96. East : Remaining portion of survey plot No. 96. South : Road. West : Remaining portion of survey plot No. 96.	Private	..

# SITE PLAN OF SAFA MASJID AT BANDORA



**MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION****(Department of Labour & Employment)***New Delhi, the 21st November 1967*

**S.O. 51.**—In exercise of the powers conferred by sub-section (2) of section 6 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), read with clause (v) of sub-rule (1) of rule 6 of the Coal Mines Labour Welfare Fund Rules, 1949, the Central Government, in consultation with the Advisory Committee, hereby nominates Shri B. K. Das as a member of the Coal Mines Labour Housing Board vice Shri M. N. Das who has proceeded on leave preparatory to retirement.

[No. 3/16/67-MII.]

K. D. HAJELA, Under Secy.

**(Department of Labour and Employment)***New Delhi, the 23rd December 1967*

**S.O. 52.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 31st day of December, 1967, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76, and section 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Madras, namely:—

The area comprised within the limits of the revenue villages of Paravai and Thenur in Madurai Taluk in the Madurai District.

[No. F. 13(21)/67-HI.]

*New Delhi, the 26th December 1967*

**S.O. 53.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Tools and Components Combine Private Limited (including factories), Meta Building, Meadows Street, Bombay-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 30th day of September, 1967.

[No. 8/182/67/PF-II.]

**S.O. 54.**—In exercise of the powers conferred by section 73F of the employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the seasonal nature of the industry carried on in the factory hereby exempts, for a further period of one year with effect from the 1st January, 1968, every factory which is exclusively engaged in wool pressing either with or without cotton pressing and ginning, from the payment of the employer's special contribution leviable under Chapter VA of the said Act.

[No. F. 7(10)/66/HI.]

*New Delhi, the 27th December 1967*

**S.O. 55.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Charak Clinic, Laud Mission, 21 Queen's Road, Bombay-4 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment,

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall come into force on the 31st day of December, 1967.

[No. 8/195/67-PF-II.]

**S.O. 56.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs John's Garage, 6, Royd Street, Calcutta-16, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of August, 1967.

[No. 8/131/67-PF.-II.]

*New Delhi, the 29th December 1967*

**S.O. 57.**—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories in implemented areas, hereby exempts the Government Automobile workshops at Madurai and Salem belonging to the Madras State Transport Department (Motor Vehicles Maintenance Organisation) from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 6th January, 1968.

[No. F. 6(84)/67-HI.]

**S.O. 58.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Factory Establishment of Messrs Simon Carves India Limited, Transport Depot Road, Calcutta-27, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 2nd day of January, 1967.

[No. 8/111/67-PF.-II.]

**S.O. 59.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Purnima Talkies, P.O. Jhumeritelaia, District Hazaribagh have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall come into force on the 31st day of December, 1967.

[No. 8/155/67-PF.-II.]

**S.O. 60.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Jyoti Cinema, Khowai, Tripura have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.



This notification shall be deemed to have come into force on the 31st day of October, 1967.

[No. 8/181/67/PF-II.]

**S.O. 61.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sree Venkateswara Cottage Industries, Ankapalli, District Vishakhapatnam (Andhra Pradesh) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of the section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of July, 1967.

[No. 8/143 67/PF-II.]

**S.O. 62.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ideal Structural Private Limited, Bil, Near Bhaili Railway Station, District Baroda (Gujarat State), have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 30th day of November, 1967.

[No. 8/189/67-PF-II.]

**S.O. 63.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sylvania and Laxman Limited, 68/2, Najafgarh Road, New Delhi-15, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of February, 1967.

[No. 8/77/67-PF-II.]

**S.O. 64.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Industrial Steels Supplies Company, 35, Chittaranjan Avenue, Calcutta-12, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of October, 1967.

[No. 8/188/67-PF-II.]

**S.O. 65.**—In exercise of the powers conferred by the first Proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry in the matter, hereby specifies that in its application to Messrs. Hubs and Drums Private Limited, Mangalwadi, Varachha Road, Surat, with effect from the 31st October, 1967, the said section 6 of the said Act shall be subject to the modification that for the words "six and quarter percent" the words "eight per cent" shall be substituted.

[No. 8/186/67/PF-II.]

**S.O. 66.**—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that in its application to Messrs Industrial Steels Company, 35, Chittaranjan Avenue, Calcutta-12, with effect from the 31st October, 1967, the said section 6 of the said Act be modified to the extent that for the words "six and quarter per cent", the words "eight per cent" shall be substituted.

[No. 8/188/67-PF-II.]

**S.O. 67.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Hubs and Drums Private Limited, Mangalwadi, Varachha Road, Surat have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of October, 1967.

[No. 8/186/67-PF-II.]

**S.O. 68.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Shree Krishna Textiles (including office), Magathane, Borivall (East), Bombay-92 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of October, 1967.

[No. 8/194/67-PF-II.]

**S.O. 69.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishments mentioned in the Schedule annexed hereto have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishments;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishments.

#### SCHEDULE

Messrs Al Prints. 55, Ideal Estate, Mathuradas Mill compound, Lower Parel, Bombay-13.

Messrs. Drayton Greaves Limited, Industry Manor, Opposite Dr. A. B. Road, Bombay-18 W.B.

Messrs Cummins Diesel Sales and Service c/o Kirloskar Cummins, Kathrud (Poona-4).

[No. 8(152)67-PF-II.]

MAHINDRA KISHORE, Under Secy.

(Department of Labour and Employment)

New Delhi, the 26th December 1967

**S.O. 70.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Jambaj Colliery of Messrs North Adjai Coal Company Private Limited, Post Office Kajoragram, District Burdwan, and their workmen, which was received by the Central Government on the 21st December, 1967.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 26 of 1967.

## PARTIES:

Employees in relation to the Jambad Colliery,

AND

Their workmen

## PRESENT.

Shri S. K. Sen.—Presiding Officer.

## APPEARANCES

*On behalf of Employers.*—Shri R. Das Gupta, Labour Adviser.*On behalf of Workmen.*—Shri B. Malkhandy, Counsel. Shri Moni Bhusan Bose, Secretary, Colliery Mazdoor Sabha, Jambad and East Jambad Colliery Branch.

STATE: West Bengal

INDUSTRY: Coal Mines

## AWARD

By Order No. C/21/67-LRII dated 6th April 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Jambad Colliery of Messrs North Adajai Coal Company Private Limited, P.O. Kajoragram, Dist. Burdwan and their workmen in respect of the matters specified in the following Schedule:

“Whether the suspension of Sarvashri Radharaman Roy, P. F. Clerk, Moni Bhusan Bose, Despatch Clerk and Purnendu Chatterjee, Loading Clerk without payment of suspension allowance with effect from the 14th November, 1965, 10th Dec., 1965 and the 12th December 1965 respectively by the management of Jambad Colliery was justified? If not, to what relief are they entitled?”

2 The colliery came under the management of a Receiver by order of the High Court, Calcutta, dated 13th September, 1963. The previous management had badly mis-managed the colliery and ran up arrears in respect of wages and salaries, income tax, royalty, etc., to the extent of several lakhs of rupees. Some shareholders of the company thereafter filed an application before the High Court and obtained the order for supersession of the previous management and appointment of a Special Officer as Receiver. The workmen concerned in this case are three clerks who were employed at Jambad colliery from before the appointment of the receiver. On 14th November 1965 the manager appointed under the receiver, served a chargesheet on Radharaman Roy, P.F. clerk, the misconduct alleged being that Radharaman Roy had taken a leading part in an unauthorised sale of iron scrap and new spare parts of coal cutting machine belonging to the company. After Radharaman Roy had submitted his reply on 16th November, 1965, an enquiry was held by Shri R. Das Gupta on 28th November, 1965, in the presence of Radharaman Roy. On 10th December, 1965, a chargesheet was served on Moni Bhusan Bose, Despatch Clerk, the misconduct alleged against him being complicity in the sale of scrap iron and spare parts of coal cutting machinery. After Moni Bhusan Bose had submitted his reply, enquiry was held in his presence by Shri R. Das Gupta on 16th January, 1966, 25th February, 1966, and 26th February, 1966. Shri Purnendu Chatterjee who was loading clerk was chargesheeted on 12th December, 1965, the misconduct alleged against him being that in spite of having received previous warning he had continued to be neglectful about his work of supervising loading of wagons, with the result that many wagons were overloaded and many wagons were underloaded during September and October, 1965 and this had caused financial loss to the company. Purnendu Chatterjee submitted his reply on 15th December, 1965, and an enquiry was held by Shri R. Das Gupta in the presence of the workman concerned on 30th January, 1966, and 19th May, 1966.

3. All the three workmen were placed under suspension from the date on which the chargesheets were served on them. But though the enquiries were completed within a reasonable time, no final order was communicated to the workmen and they remained under suspension and during the period of suspension they did not receive pay. The case was heard in part. From the evidence of Shri Radharaman Roy it appeared that he had received his dues upto the end of November, 1965 but had received nothing thereafter. Moni Bhusan Bose stated that he had received his dues till the end of December, 1965 but he had received nothing thereafter, and Purnendu Chatterjee stated that he had received

his dues till the date of suspension, 12th December 1965, and had not received anything thereafter. Over the non payment of any subsistence allowance a dispute was raised by the Colliery Mazdoor Sabha before the A.L.C., Central, Raniganj. As no settlement could be effected by the A.L.C., the dispute was referred for adjudication.

4. After the case had been heard in part, the parties settled the case amicably and filed a joint petition of compromise. By the terms of settlement the management has agreed to pay suspension allowance at the rate of half of their respective wages to the three workmen, Radharaman Roy, Moni Bhusan Bose and Purnendu Chatterjee and the workmen have agreed not to press the applications which they filed before the authority under the Payment of Wages Act, 1936 in respect of their wages or subsistence allowance. The terms must be considered satisfactory and are accepted.

5. An award is made in terms of the joint petition, a copy of which is annexed to the award. The subsistence or suspension allowance has to be paid upto the date of final order by the employers in the domestic proceedings and such final order has not yet been made. Accordingly, the date of payment of subsistence allowance is not mentioned in the joint petition. I direct therefore that the entire subsistence allowance shall be paid within one month of the publication of the award if in the meantime final orders have been made under the domestic proceedings by the employers; in case final orders have not yet been made upto the date of the publication of the award, the subsistence allowance up to the date of publication of award shall be paid within a month of the publication of the award.

(Sd.) S. K. SEN.  
Presiding Officer.

*Dated, 16th December, 1967.*

BEFORE SHRI S. K. SEN, PRESIDING OFFICER CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL, CALCUTTA.

IN THE MATTER OF REFERENCE No. 26 OF 1967

AND

In the matter of an industrial dispute between the Employer in relation to Jambad Colliery of North Adjai Coal Company Private Limited, P.O. Kajoragram, District Burdwan, and their workmen represented by Colliery Mazdoor Sabha, P.O. Raniganj, Burdwan.

The humble joint petition of both the parties abovenamed

Most respectfully Sheweth:

1. That the parties have amicably and jointly settled the above referred dispute on terms and conditions mentioned below:

(a) The Employer shall pay to Sarvashri Radharaman Roy, Moni Bhusan Bose and Purnendu Chatterjee, the workmen concerned in the dispute, suspension allowance from the respective dates of suspension till the date of final order of the Employer on the domestic proceedings at the rate of 1/2 (half) of their respective wages.

(b) The workmen concerned in the dispute agree that the matter referred to in application No. 172 and 173 of 1966, in respect of suspension allowance, filed by them in the court of the Authority under the Payment of Wages Act, 1936, Asansol Area, is hereby settled and they have no further claim against the said application.

2. That the aforesaid dispute is settled hereby in terms of this joint petition.

Under the circumstances, the parties pray that the Honourable Tribunal may be pleased to accept the terms and conditions of this joint petition and pass an Award accordingly and such other order or orders as to this Honourable Tribunal may deem fit and proper.

And for this act of kindness the petitioners as in duty bound shall ever pray.

For the Union

Sd./- B. MALKHANDY,  
Counsel.  
16-12-67.

Sd./- MONI BHUSAN BOSE,  
Secretary,  
Colliery Mazdoor Sabha Jambad  
and East Jambad Colliery Branch.  
16th December 1967

For the Employer

Sd./- R. DAS GUPTA,  
Labour Adviser,  
On behalf of  
the Employer.  
16-12-1967.

[No. 6/21/67-L.E.I.L.]

**S.O. 71.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Kalipahari Colliery, Post Office Kalipahari (District Burdwan) and their workmen, which was received by the Central Government on the 21st December, 1967.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA,

REFERENCE No. 52 OF 1967

## PARTIES:

Employers in relation to the Kalipahari Colliery,

AND

Their workmen

## PRESENT:

Shri S. K. Sen.—Presiding Officer.

## APPEARANCES:

On behalf of Employers.—Shri M. P. Roy, Group Personnel Officer.

On behalf of Workmen.—Shri Benarasi Singh Azad, Genl. Secretary Khan. Shramik Congress.

STATE: West Bengal

INDUSTRY: Coal Mines

## AWARD

By Order No. 8/41/67-LRII dated 9th June 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Kalipahari Colliery, P.O. Kalipahari (Dist. Burwan) and their workmen in respect of the matters specified in the following schedule:

"Whether the action of the management of Kalipahari Colliery, Post Office Kalipahari (Dist. Burdwan) in dismissing Shri Jupha Singh, Crew, with effect from the 25th March, 1967 was justified? If not, to what relief is the workman entitled?"

2. Jupha Singh used to work as crew at Kalipahari colliery. Along with three other crews Jupha Singh was transferred by the agent, Ghusick and Muslia Collieries Limited from Kalipahari colliery to Radhamadhappur colliery by an order dated 17th June 1966, the transfer to take effect from 13th July 1966. On 13th July 1966 Jupha Singh reported for work at Radhamadhappur colliery, but the manager, Radhamadhappur colliery told him that there was no vacancy in the post of a crew and so he could not be permitted to join as a crew. The agent thereafter wanted Jupha Singh and the three other crewmen transferred along with him to join as drillers at Radhamadhappur colliery. The other three workmen joined as drillers at Radhamadhappur, but Jupha Singh refused to join as a driller. As he was absent for more than 10 days after the other three workmen had joined as drillers at Radhamadhappur, the Manager, Radhamadhappur colliery drew up proceedings against Jupha Singh for unauthorised absence on and from 16th August 1966. Notice of the enquiry was given to the chargesheeted workman, but he did not turn up on the date of enquiry and therefore on the basis of an *ex-parte* enquiry Jupha Singh was dismissed with effect from 25th March, 1967.

3. Before the tribunal both the parties filed their written statements and a date (16th December 1966) was fixed for hearing. On that date the parties appeared and filed a joint petition of settlement. It appears from the joint petition that Jupha Singh has been permitted to join as a crew at Ghusick colliery with effect from 8th November 1967 and the management has agreed to treat the period of absence of Jupha Singh as leave without pay so that the continuity of his service is not broken. The terms must be considered satisfactory and I accept the same.

4. Accordingly an award is made in term of the joint petition of settlement, a copy of which is annexed with the award.

(Sd.) S. K. SEN,  
Presiding Officer.

Dated, 16th December 1967.

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CENTRAL  
GOVERNMENT, CALCUTTA

## PARTIES:

Kalipahari Colliery of M/s. Ghusick and Muslia Collieries Ltd., P. O. Kali-  
pahari (Burdwan)

Vs.

Its workman, Jupha Singh represented by Khan Shramik Congress, P.O.  
Ukura, Burdwan.

SUB:—REFERENCE No. 52 OF 1967

That the aforesaid parties have amicably settled their dispute under Ref. No.  
52/67 in the following terms and conditions:—That Sri Jupha Singh had been allowed to work on and from 8th November  
1967 at Ghusick Colliery as Crew.That the period of absence of Sri Jupha Singh will be treated as leave without  
pay.

That the continuity of service of Sri Jupha Singh will be maintained.

That accordingly award may please be given.

(Sd.) Illegible,  
16-12-67.(Sd.) Illegible,  
16-12-67.Signature of the representative  
of workman.Signature of representative  
of employer.  
[No. 6/41/67-LRII.]

**S.O. 72.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Post Office Kalyan Khani Collieries (Andhra Pradesh) and their workmen, which was received by the Central Government on the 21st December, 1967.

## BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD

## PRESENT:

Sri Mohammad Najmuddin, M.A., B.L.  
Chairman, Industrial Tribunal,  
Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 14 OF 1967

## BETWEEN:

Workmen of Singareni Collieries Co. Ltd., Mandamari Division.

AND

Employers of Singareni Collieries Co. Ltd., Mandamari Division

## AWARD

The Government of India in its Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) had, by order F. No. 7/11/67-LR dated 2nd June 1967, referred this dispute for adjudication. The issues as per schedule annexed to the notification are these:

- (i) Whether the demand that Shri Madupuram Chandrasekhara, Daily Gang Mazdoor, Kalyan Khani No. 2 Incline, Mandamari Division of Messrs. Singareni Collieries Company Limited, should, having regard to the nature of duties performed by him, be given Peon's grade of Rs. 28—1—45, is justified?

- (ii) If so, from what date?

2. The statement of claims putting forward the claim as embodied in issue 1 on behalf of the claimant was filed by and under the signature of Mr. S. Nagiah Reddy, President, Tandur Coal Mines Labour Union, Belampalli. The Management filed counter denying the above said claim. This case came up for enquiry on 1st December 1967. On that date Mr. Shyam Mohan the Personnel Officer was present and said that the dispute was in the process of being settled. An application was also received from the Union to the same effect. Therefore I posted the case to the 20th in order to enable the parties to effect settlement. Now, this day, i.e., 18th December 1967, a Memorandum of Settlement is received. It is dated

5th December 1967. It is signed by Mr. S. Nagaiah Reddy, President, Tandur Coal Mines Labour Union, Mr. Shyam Mohan the Personnel Officer and Mr. M. R. Sathaye, Agent Mandamari Division, signed it on behalf of the Management. Two witnesses, Mr. P. Krishnaji and Mr. V. Ramchandrarao, attested it. According to the terms of settlement, the claimant is fixed in the grade of Rs. 28—1—30—1—40 with effect from 15th August 1967. I am satisfied that the settlement is fair between the parties.

3. Award is herewith passed in terms of the Memorandum of Settlement dated 5th December 1967, a copy whereof is appended hereto.

Given under my hand and the seal of the Tribunal, this the 18th day of December 1967.

(Sd.) M. NAJMUDDIN,  
Industrial Tribunal.

*Memorandum of Settlement arrived at between the management of the Singareni Collieries Company Ltd., Mandamari Division Belampalli group of mines and their workmen represented by the Tandur Coal Mines Labour Union, Belampalli on 5th December, 1967.*

**NAMES OF THE PARTIES:—**

*Representing the management*

1. Sri M. R. Sathaye,  
Agent, Mandamari Division.
2. Sri M. Shyam Mohan, W  
Personnel Officer,  
Belampalli.

*Representing the workman:*

Sri S. Nagaiah Reddy,  
President,  
Tandur Coal Mine Labour Union,  
Belampalli.

*Short recital of the case:—*

The Government of India by its order No. 7/11/67 LR II, dated 12th June 1967 referred for adjudication as per the schedule below:

- (a) Whether the demand that Sri Madhupuram Chandraiah, Daily Gang Mazdoor, Kalyan Khon, No 5 incline, Mandamari Division of M/s. Singareni Collieries Co. Ltd. should having regard to the nature of duties performed by him, be given peon's grade of Rs. 28—1—45 is justified?

- (b) If so, from what date?

Without prejudice to the contentions raised by the parties and with a view to arrive at an amicable settlement the management agreed to the request by the Union on behalf of the workman to absorb him as a Peon. It is agreed as follows:

*Terms of Settlement:—*

1. That Sri M. Chandraiah will be appointed as a Peon in any of the vacancies at any of the divisions of the Belampalli group of mines.
2. Sri M. Chandraiah will be fixed on a basic pay of Rs. 31/- (Rupee thirty one only) in the grade of Rs. 28—1—30—1—40 w.e.f. 15th August, 1967.
3. The workman has no other claim and the matter is fully and finally settled.
4. This agreement will be implemented within two months.

*Signatures of the Parties:—*

On behalf of the management:  
Sd/- M. R. SATHAYE  
Sd/- M. SHYAM MOHAN,  
Witnesses:—

1. Sd/- P. KRISHNAJI.
2. Sd/- V. RAMACHANDER RAO.

On behalf of the workmen:  
Sd/- S. NAGAIAH REDDY.

(Sd.) M. NAJMUDDIN,  
Industrial Tribunal.  
[No. 7/11/67-LR II.]

**S.O. 73.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the New Ardhogram Colliery, Post Office Ardhogram, District Bankura, and their workmen, which was received by the Central Government on the 21st December, 1967.

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 36 OF 1967

#### PARTIES:

Employers in relation to the New Ardhogram Colliery,

AND

Their workmen.

#### PRESENT:

Shri S. K. Sen, Presiding Officer.

#### APPEARANCES:

*On behalf of Employers*—Shri N. Das, Advocate.

*On behalf of Workmen*—Shri B. Maldhandy, Advocate with Shri Robin Chatterjee, Vice-President Colliery Mazdoor Sabha.

STATE: West Bengal.

INDUSTRY: Coal Mines.

#### AWARD

By Order No. 6/19/67-LRIL, dated 16th May, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the New Ardhogram Colliery, P.O. Ardhogram, Dist. Bankura and their workmen in respect of the matter mentioned in the following schedule:—

#### SCHEDULE

“Whether the termination of the services of Shri Bharat Chakravorty, Magazine Clerk, with effect from the 21st January, 1967 by the management of New Ardhogram Colliery was justified? If not, to what relief is he entitled?”

2. According to the case of the management, the New Ardhogram Colliery is a very small colliery and in December, 1966 there was only work of cutting earth and doing other preparatory work at that colliery and there was no need for the use of explosive and no need for the services of Shri Bharat Chakravorty who was then employed as Magazine clerk. The management found that Bharat Chakravorty was not competent to do any other work at the office and therefore the management was compelled to terminate his service by giving him a month's notice on 21st December 1966. According to the management it was a case of termination simpliciter and the termination was not made on account of this workman being a member of the local unit of the Colliery Mazdoor Sabha and therefore the termination was justified.

3. According to the union, the workman had incurred displeasure of the management because he had become an active member of the unit of the Colliery Mazdoor Sabha of the colliery, and therefore the employer arbitrarily terminated his service and the workman is, therefore, entitled to reinstatement and back wages.

4. The workman has not appeared as a witness. The management has examined one witness, namely Bimala Shankar Misra, a clerk at New Ardhogram colliery who stated that Bharat Chakravorty was first appointed in another capacity in 1964 and appointed as magazine clerk in 1965; that in December, 1966 earth cutting was going on for opening a quarry and there was no need for explosives or for the magazine clerk; that Bharat Chakravorty was tried as a clerk in the office but was found unable to do the work of an office clerk properly and therefore he was given one month's notice *vide* Ext. A of which he received the original by signing on the office copy. The witness also denied that the management had any grudge because the workman had become a member of the local unit of the Colliery Mazdoor Sabha. There being no evidence to the contrary, it must be found that notice of termination was served because the management no longer had any need for the service of the workman concerned, Bharat Chakravorty. The question is whether the termination of service by one month's



notice was justified. On behalf of the management Shri N. Das has urged that the colliery has no certified Standing Orders of its own and follows the model Standing Orders under the Industrial Employment Standing Orders Act, 1946, and paragraph 13 of the model Standing Orders provides for termination of service of permanent workmen, namely that for termination of service of a permanent workman notice in writing should be given either by the employer or the workman, one month's notice in the case of a monthly rated and two weeks' notice in the case of any other workman, or one month's pay or two weeks' pay as the case may be in lieu of notice. Shri B. Malkhandy appearing for the union has urged that clause 3 of paragraph 13 provides that when the employment of a workman is terminated the wages earned by him and other dues if any shall be paid before the expiry of the second working day from the date on which the employment is terminated and the notice pay was not actually given to the workman concerned before the expiry of the second working day from the date on which the service was terminated. Shri Malkhandy has therefore urged that the termination was bad. Clause 3 of paragraph 13 however does not make such payment a condition precedent to the termination. The termination is not bad merely because the dues including notice pay were not paid by the second working day from the date on which the service was terminated.

5. There is however a more fundamental objection to the termination of service by notice. Shri B. S. Misra who deposed for the management admitted that the workman in question was in continuous service since his appointment. The definition of the term 'retrenchment' was altered by an amendment of the Industrial Disputes Act in 1953, and clause (oo) of Sec. 2 provides that retrenchment means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicting by way of disciplinary action except voluntary retirement or retirement on superannuation or termination of service on the ground of continued ill health. Therefore the retrenchment even under the Standing Orders on the ground that the services of the workman were no longer required, amounts to retrenchment, and Sec. 25F provides that no workman who has been in continuous service for not less than one year shall be retrenched unless the workman has been paid one month's notice in writing and unless he has been paid at the time of retrenchment compensation equal to 15 days' average pay for each completed year of service and unless notice is also served on the appropriate government about such retrenchment. In the present case the management omitted to follow the provisions of Sec. 25F, the argument of Shri Das being that it was not a case of retrenchment but of termination simpliciter under paragraph 13 of the Model Standing Orders. I have already pointed out that even termination of service under the Standing Orders, in view of the modified definition of the term 'retrenchment' under Industrial Disputes Act, amounts to retrenchment. This was also the view taken by the Bombay High Court in the case, 1961 I LLJ 167 (Devdayal Nanakchand Sharma v. State Industrial Court, Nagpur). The High Court observed that the company was not entitled to rely upon the Standing Orders and treat the case as a pure termination of service because the Standing Orders must be deemed to be subject to the provision of Chapter VA of the Industrial Disputes Act and it is specifically provided by Sec. 25J that the provisions of the Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law including Standing Orders made under the Industrial Employment Standing Orders Act, 1946. That being so, termination under paragraph 13 of the Model Standing Orders must be held to amount to retrenchment and because the provisions of Sec. 25F was not complied with, it must be held that the termination was not justified and therefore the workman is entitled to reinstatement without prejudice to the right of the employers to subsequent retrenchment under the provisions of law. The non-compliance of provisions of Sec. 25F of Industrial Disputes Act appears to have been due to lack of proper knowledge of the relevant law on the part of the employers. In the circumstances although the workman is entitled to some remuneration during the period of non-employment. I hold that it would be equitable to order that the workman be paid half of his total remuneration until the date of his reinstatement.

6. My award therefore is that the termination of service of Shri Bharat Chakravarty, Magazine clerk, with effect from 21st January 1967 by the management of New Ardhogam Colliery was not justified as the provisions of Sec. 25F of the Industrial Disputes Act were not complied with. I direct that the clerk in question be reinstated within one month of the publication of the award and that from 21st January 1967 till the date of reinstatement he should be paid half of his total remuneration.

Dated: 18th December, 1967.

(Sd.) S. S. SEN,  
[No. 6/19/67-LRII.]

New Delhi, the 28th December 1967

**S.O. 74**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the New Ardhogram Colliery, Post Office Ardhogram, District Bankura and their workmen, which was received by the Central Government on the 23rd December, 1967.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No 55 OF 1967

## PARTIES:

Employers in relation to the New Ardhogram Colliery,

AND

Their workmen.

## PRESENT:

Shri S. K. Sen—Presiding Officer

## APPEARANCES:

*On behalf of Employers*—Shri N. Das, Advocate.

*On behalf of Workmen*—Shri B. Malkhandy, Advocate with Shri Robin Chatterjee, Vice-President, Colliery Mazdoor Sabha.

STATE: West Bengal.

INDUSTRY: Coa' Mines.

## AWARD

By Order No. 6/42/67-LRII, dated 19th June, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the New Ardhogram Colliery, P.O. Ardhogram, Dist. Bankura and their workmen in respect of the matter mentioned in the following schedule:

"Whether the management of Messrs New Ardhogram Colliery, Post Office Ardhogram, District Bankura was justified in refusing to allow S/Shri S. S. Banerjee, Cashier and Shibdas Roy, General Clerk to resume their duties with effect from 1st February, 1967? If not, to what relief are the workmen entitled?"

2. The union filed an application in this case for extension of time to file the written statement, but did not ultimately file any written statement in connection with the dispute. The management ultimately filed their written statement on 10th November, 1967. At the hearing however both parties were represented. The case of the management is that Shri S. S. Banerjee who was employed as the Cashier at the Colliery office and Shri Shibdas Roy, who was employed as a general clerk and was also in charge of stores, were asked about the middle of December, 1966, by the agent through a messenger to meet him at the Head-office at Cossipur in Purulia district. But the two clerks did not comply with the order, and started absenting themselves from 19th December, 1966. Chargesheets were accordingly drawn up and issued on them on 4th January, 1967, for unauthorised absence for more than 10 days. Both the workmen submitted replies to the chargesheet. Thereafter the Vice-President of the Colliery Mazdoor Sabha raised a dispute before the A.L.C., Central, Raniganj and therefore the proceedings were kept in abeyance. The management denied that the two workmen had reported for duty on 1st February, 1967 and had been refused permission to join.

3. The case of the union made out before the A.L.C., Central, Raniganj *vide* the failure report and also urged at the hearing is that there was a change in the management in October, 1966 and the new elements wanted to get rid of S. S. Banerjee and Shibdas Roy and therefore withheld their pay from October, 1966. For want of sufficient nourishment both the workmen fell ill, and S. S. Banerjee left the colliery on 17th December, 1966 which was a Saturday after filing an application for leave on the ground of illness, and Shibdas Roy also left the colliery along with S. S. Banerjee on 17th December, 1966 and he sent an application for leave from his village home on 19th December, 1966 stating that he had fallen ill because of starvation. The management however without paying their arrear wages sent chargesheets drawn upon 4th January, 1967 by registered post to them. Both of them sent replies to the chargesheet and

thereafter both the workmen reported for duty at the colliery on 1st February, 1967, but the manager refused to let them join. The claim of the union therefore is reinstatement and back wages from 1st February, 1967 and also back wages from 1st October, 1966 to 17th December, 1966.

4. On behalf of the management, B. S. Misra a clerk working at New Ardho-gram colliery was examined as a witness. He admitted that wages were not paid from the 1st October, 1966, until the two workmen left the colliery, but he said that the colliery was then passing through a crisis and nobody including himself was paid from the 1st October, 1966; payment of arrear wages from October, 1966, was made in instalments after the end of 1966 to those who were still working at the colliery. The witness denied that the two workmen concerned in the dispute came to join their duty on 1st February, 1967 and were refused permission to join their posts. He asserted that they never came to the colliery since 19th December, 1966. Of the two workmen concerned only one, namely S. S. Banerjee, gave evidence. In examination-in-chief he did not say that either he or Shibdas Roy had reported for duty on 1st February, 1967 and were refused permission to join. In cross-examination when that question was put to him, he claimed that he went to the colliery on 1st February, 1967, intending to join but the manager did not allow him to join. He did not say that Shibdas Roy also went to join on 1st February, 1967; on the other hand, he said that when he reported at the colliery on 1st February, 1967, only the manager and the clerk, B. S. Misra, were present and nobody else and he left within a few minutes. On behalf of the union Shri Malkhandy sought to rely on the copy of the letter, Ext. 9 signed by S. S. Banerjee as well as by Shibdas Roy. This letter is dated, 2nd February, 1967 and it states that the two men wanted to resume their normal duty from 1st February, 1967, but that the manager had verbally stopped them from doing so. The management however denied that such a letter had ever been received by the management. On behalf of the union the original of such a letter was not called for. Strictly therefore the letter is not admissible; it was admitted subject to objection by the management. It has already been mentioned that in their written statement, the management denied that the two workmen concerned had reported for duty on 1st February, 1967 and had been prevented from joining, and that the union did not file any written statement making the claim that the two workmen had reported for duty on 1st February, 1967. The order of reference no doubt assumes that the management refused to allow the two clerks to resume their duty from 1st February, 1967. The order of reference however was based on the claim by the Vice-President of the union before the A.L.C., Central, Raniganj. The failure report enclosed a copy of the complaint which was sent by Shri Robin Chatterjee, Vice-President of the union to the A.L.C., Central, Raniganj on 14th March, 1967. Therein it is no doubt stated that the two workmen were refused permission to rejoin on 1st February, 1967, but it appears from Ext. 8, a letter from the A.L.C., Raniganj to Shri Robin Chatterjee, Vice-President of the Colliery Mazdoor Sabha on 15th March, 1967 that in a previous letter dated 14th February, 1967 the Vice-President had only raised the question on non-payment of their wages to the two clerks, S. S. Banerjee and Shibdas Roy, and the question of their being refused permission to join on 1st February, 1967 was not then raised. The two clerks had written letters to the Manager on 7th January, 1967 (Ext. D and D1) saying that unless their salary was paid, they would not be able to go to the colliery and stay and work there. In the absence of satisfactory evidence to show that because of the issue of the chargesheets the two workmen changed their stand and reported for work, I am not satisfied that the two workmen had in fact reported for duty on 1st February, 1967.

6. I must observe at the same time that the management appears to have been wrong in keeping the proceedings pending for such a long time. It may be that by 14th February, 1967, the Vice-President of the Colliery Mazdoor Sabha had made a complaint to the A.L.C., Central, Raniganj about arrears of wages and by 14th March, 1967 had made another complaint relating both the non-payment of arrears of wages and refusal to permit the two workmen to join from 1st February, 1967. That was however no reason why the proceedings for unauthorised absence for over 10 days should have been kept hanging. The replies to the chargesheets had been received before 20th January, 1967, but no further steps in the proceedings were taken by the Management; Notice of inquiry should have been issued, and the enquiry completed as early as possible; and if the conciliation proceedings was pending when the management wanted to pass the final orders, the management might have obtained permission from the Conciliation Officer. Moreover, the failure report was submitted on 8th May, 1967. After that date and before the reference was made, the management might have passed the final orders in the proceedings without referring

either to the Conciliation Officer or to the tribunal. The management is undoubtedly liable to pay the arrears of wages from 1st October, 1966 to 17th December, 1966. As regards subsistence allowance or suspension allowance from the date of the chargesheet, the question may be finally decided only after findings have been made in the domestic proceedings started and final orders made. As that matter is not covered by the Reference, I refrain from passing any opinion as to whether the absence of the two workmen was unauthorised and without sufficient cause, and whether the workmen are entitled to any, and if so, to what allowance during the period from the date of chargesheet.

7. My award therefore is that the question as to the management of New Ardhogram Colliery being justified or not in refusing to allow Shri S. S. Banerjee and Shibdas Roy to resume their duties with effect from 1st February, 1967, does not arise because the two clerks did not report for duty on 1st February, 1967. In this reference case the two workmen are not entitled to any relief. I may however add a rider that the management must conclude the domestic proceedings against the two workmen at an early date and make arrangements to pay their arrear wages due and pass necessary orders about the subsequent allowance.

(Sd.) S. K. SEN.

Presiding Officer.

[No. 6/42/67-LRII.]

**S.O. 75.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Bhulanbararee Colliery of Messrs Bhulanbararee Coal Company Limited, Post Office Patherdih, District Dhanbad and their workmen, which was received by the Central Government on the 22nd December, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, JABALPUR.**

**CAMP AT DHANBAD.**

*Dated December 14, 1967.*

**PRESENT:**

**Sri G. C. Agarwala.**—*Presiding Officer.*

CASE REF. NO. 59 OF 1964 (DHANBAD TRIBUNAL)

CASE REF. NO. CGIT/LC(R) (29)/67 (JABALPUR TRIBUNAL)

**PARTIES:**

Employers in relation to Bhulanbararee Colliery of M/s. Bhulanbararee Coal Co. Ltd., Patherdih, District Dhanbad.

**Vs.**

Their workmen represented through the Khan Mazdoor Congress.

**APPEARANCES:**

*For the employers.*—S/Sri D. Narsingh and N. P. Sahi, Authorised Representatives.

*For workmen.*—Sri Prasant Varman, Secretary, Khan Mazdoor Congress.

**INDUSTRY:** Coal Mine.

**DISTRICT:** Dhanbad (Bihar).

**AWARD**

By Notification No. 2/39/64-LR-II—II, dated 16th May, 1964, the Ministry of Labour and Employment referred the following matter of dispute to the Central Industrial Tribunal, Dhanbad, for adjudication. The case remained pending before the said Tribunal till transferred to this Tribunal by Notification No. 8/25/67-LRII dated April 25, 1967.

**Matter of Dispute.**

1. Whether the stoppage from work of Shri Kumar Shaw, Prop Cooly, Bhulanbararee Colliery by the management of Messrs Bhulanbararee Coal Company Limited, with effect from the 19th January, 1964, was justified?
2. If not, to what relief is the workman entitled?

After issue of usual notices both parties filed statements of claim on which certain additional issues were framed on 6th October, 1967. It is needless to mention other pleas raised by the employers except one which was to the effect that the dispute was not an industrial dispute. An issue on the point was framed and the Union was directed to produce Membership Register, Counterfoil Receipt Books and the Application Form of the workman on the next date which was fixed for hearing. Sri Prasant Varman, Secretary, Khan Mazdoor Congress, appeared for the workmen and the workman concerned also appeared. Sri Varman stated that there was no Application Form of the workman and there are no Counterfoil receipts. He produced the register of Membership for the year 1963-64 which is the relevant year and stated that the name of the workman concerned would not be found in the register. The workman concerned has no receipt to prove payment of subscription in the relevant year or for any year. It is, therefore, clear that the workman concerned was not a member of the Union at the relevant time, namely the date from which he is alleged to have been stopped from work, the 19th January, 1964, and also on the date of reference which was 16th May, 1964. In the absence of the membership of the workman the Union was not competent to sponsor the dispute which is essentially an individual dispute.

It is, therefore, held that the dispute was not an industrial dispute and this Court has no jurisdiction to adjudicate.

Sd./- G. C. AGARWALA,

Presiding Officer,  
14-12-67

[No. 2/39/64-LRII-11.]

#### ORDERS

*New Delhi, the 22nd December 1967*

**S.O. 76.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Chora Colliery, No. 10 Pit, 1 and 2 Incline, Post Office Bahula, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the denial of permanent job to Shri Balkishan *alias* Ram Kishan, Machine Helper, with effect from the 22nd April, 1967, by the management of the East Chora Colliery (No. 10 Pit and 1 and 2 Incline) was justified? If not, to what relief is the workman entitled?

[No. 6/57/67-LRII.]

**S.O. 77.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Khar-kharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Khar-kharee, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the action of the management of Khar-kharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Khar-kharee, District Dhanbad, in refusing employment to Shri Tipu Sultan, Mining Sirdar with effect from the 6th May, 1967, and subsequently transferring

him from Kharkharee Colliery to Babisole Colliery *vide* management's letter dated the 10th May, 1967 was justified? If not, what relief is the workmen concerned entitled?

[No. 2/146/67-LRII.]

*New Delhi, the 23rd December 1967*

**S.O. 78.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Ganhoodih Colliery of Messrs East Ganhoodih Colliery Company Private Limited, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of East Ganhoodih Colliery was justified in terminating the liens on the permanent appointments of their workmen S/Shri Budhan Harijan and Balwanta Bind, Miners, with effect from the 10th August, 1967 and the 13th July, 1967, respectively. If not, to what relief are the workmen entitled?

[No. 2(138)/67-LRII.]

**S.O. 79.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Khoira No. 5 Pit of Kenduadih Colliery of Messrs East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the action of the management of Khoira No. 5 Pit of Kenduadih Colliery of Messrs East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad, in refusing employment to Shri Arjun Singh, Mining Sirdar, with effect from the 28th June, 1967, was justified? If not, to what relief is the workman concerned entitled?

[No. 2/137/67-LRII.]

BALWANT SINGH, Under Secy.

#### (Department of Labour & Employment)

*New Delhi, the 28th December 1967*

**S.O. 80.**—In exercise of the powers conferred by sub-section (1) of section 27 of the Payment of Bonus Act, 1965 (21 of 1965), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1941, dated the 15th April, 1967, namely:—

In the Table attached to the said notification, in the entries relating to item "III", in entry 3, for the word "Shillong" the word "Gauhati" shall be substituted.

[No. WB-20(8)/67.]

HANS RAJ CHHABRA, Under Secy.

**(Department of Labour and Employment)***New Delhi, the 28th December 1967*

**S.O. 81.**—In pursuance of Sub-section (1) of Section 14, Sub-section (1) of Section 15, Sections 16, 17 and 18 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), the Central Government hereby authorises the Chief Inspector of Factories, Jammu and Kashmir, to exercise the powers under Sections 14, 15, 16, 17 and 18 of the said Act throughout the State of Jammu and Kashmir and Deputy Labour Commissioners, and Inspectors of Factories, Srinagar and Jammu to exercise powers under Sections 14 and 15 of the said Act, within their respective jurisdiction.

[No. F. 3/40/66 Spl. Fac. II.]

VIDYA PRAKASH, Dy. Secy.

**(Department of Labour and Employment)***New Delhi, the 29th December 1967*

**S.O. 82.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to Allahabad Bank Limited, Calcutta and their workmen, which was received by the Central Government on 23rd December, 1967.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA**

REFERENCE NO. 57 OF 1967

**PARTIES:**

Employers in relation to the Allahabad Bank Limited, Calcutta.

AND

Their workmen

**PRESENT:**

Shri S. K. Sen

Presiding Officer

**APPEARANCES:***On behalf of Employers*—Sri S. K. Khanna.*On behalf of Workmen*—Sri Gauri Shankar Singh, Genl. Secretary.

Sri Rajendra Prasad Rai, Asstt. Secretary.

STATE: West Bengal

INDUSTRY: Banking.

**AWARD**

By Order No. 51(14)/67-LR-III dated 22nd June, 1967 the Central Government referred for adjudication an industrial dispute between the employers in relation to the Allahabad Bank Limited, Calcutta and their workmen in respect of the matters specified in the following schedule:

“Whether the management of the Allahabad Bank Limited, Calcutta was justified in not considering Sarvashri Raghubir Singh, Mewaram Singh, Badri Bishal Tiwari and Bhagwan Singh for absorption as peons on a regular basis? If not, to what relief are they entitled?”

2. It is unnecessary to state the respective cases of the parties because the dispute has now been settled. On the date fixed for hearing the parties have come up with a joint petition of settlement. From the terms of the petition it appears that the Allahabad Bank Limited have already appointed two of the workmen concerned, Raghubir Singh and Badri Bishal Tripathi (Tiwari) in permanent vacancies and they have undertaken to appoint the two remaining workmen, Mewaram Singh and Bhagwan Singh in permanent vacancies with effect from 20th December, 1967. The terms must be considered satisfactory and are accepted.

3. An award is made in terms of the petition of compromise a copy of which shall form part of the award.

(Sd.) S. K. SEN,  
Presiding Officer.

Dated, 19th December, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
20, BRITISH INDIA STREET, CALCUTTA.

REFERENCE No. 57 OF 1967

PARTIES:

Allahabad Bank Indian Staff Association,  
14, India Exchange Place, Calcutta, representing the workmen

Vs.

Allahabad Bank Ltd.,  
14, India Exchange Place, Calcutta-1.

The humble petition of Allahabad Bank Ltd. and of Allahabad Bank Indian Staff Association hereinafter referred to as 'Association' most respectfully sheweth:

- (1) That Allahabad Bank Ltd. has agreed to offer appointments to Mewa Ram Singh and Bhagwan Singh in permanent vacancies in the subordinate cadre with effect from tomorrow at Calcutta offices.
- (2) That Raghubir Singh and Badri Bishal Tripathi have already been appointed in permanent vacancies.
- (3) That the Association has agreed to accept the said offer of Allahabad Bank Ltd.
- (4) The issue involved in the dispute pending before your honour is hereby settled.
- (5) The Management will consider the transfer of Sri Badri Bishal Tewari from Ukhra Branch to any offices in Calcutta on a suitable opportunity occurring in future.

In the circumstances it is prayed that your honour may graciously be pleased to record this settlement between the parties and pass such other order or orders as may be deemed fit and proper

And your petitioner as in duty bound shall ever pray.

Calcutta,

Dated the 19th December, 1967.

For Allahabad Bank Ltd.

(Sd.) Illegible.

Sd/- Asst. General Manager

For Allahabad Bank Indian Staff Association.

(Sd ) Illegible.

Sd/- General Secretary.

Witnesses:—

- (1) Sd/- Illegible
- (2) Sd/- Illegible.

[No. 51/14/67-LRII.]

New Delhi, the 30th December 1967

**S.O. 83.**—Whereas by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2108, dated the 15th June, 1967, the Central Government had declared the coal industry to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947), for a further period of six months from the 8th July, 1967;

And, whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;



Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 8th January, 1968.

[No. F. 1/117/67-L.R.-I.]

### ORDERS

*New Delhi the 23rd December 1967*

**S.O. 84.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Udaipur Mineral Development Syndicate (P) Ltd., Bhilwara;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Jawan Singh Ranawat as the Presiding Officer with headquarters at Jaipur and refers the dispute for adjudication to the said Industrial Tribunal.

### SCHEDULE

Whether the action of the management of Udaipur Mineral Development Syndicate Ltd., in not paying wages at the rate of Rs. 55 and dearness allowance at Rs. 10 per month to 17 workmen mentioned below from the date of their employment at Chevaria Soapstone mine is justified? If not, to what relief are the workmen entitled and from what date?

1. Shri Bag Singh S/o. Madan Singh.
2. Shri Ghisa S/o. Narayan.
3. Shri Nathu S/o. Deepa.
4. Shri Magya S/o. Gulab.
5. Shri Ka'yan S/o. Mala.
6. Shri Samunder Singh S/o. Naher Singh.
7. Shri Dehi S/o. Juwana.
8. Shri Ratan Singh S/o. Bhanwar Singh.
9. Shri Sardar Singh S/o. Umed Singh.
10. Shri Bhura S/o. Moti.
11. Shri Deva S/o. Bhura.
12. Shri Raimal S/o. Chhagna.
13. Shri Chhiter S/o. Goma.
14. Shri Bhuras S/o. Gokal.
15. Shri Magya S/o. Ugma.
16. Shri Gopal Singh S/o. Naval Singh.
17. Shri Bheru S/o. Bhajja.

[No. F. 36/38/67-L.R.I.]

*New Delhi, the 28th December 1967*

**S.O. 85.**—Whereas an industrial dispute exists between the employers in relation to Messrs Apo'o Marine Syndicate, Calcutta and their workmen represented by the Calcutta Port and Dock Workers' Union, Calcutta;

And whereas the said employers and their workmen have, under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration by a written agreement and have forwarded to the Central Government, under sub-section (3) of the said Act, a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 16th December, 1967.

(Agreement)

[Under Section 10A of the Industrial Disputes Act, 1947.]

BETWEEN

NAMES OF THE PARTIES:—

*Representing employers.*—Shri G. C. Mallick, Partner M/s. Apolo Marine Syndicate, 70/6, Diamond Harbour Road, Calcutta-23.

*Representing workmen.*—1. Shri Sitaram Singh, Vice-President, Calcutta Port and Dock Workers' Union, 27-B, Circular Garden Reach Road, Calcutta-23.

2. Shri D. K. Ganguly, Joint General Secretary, Calcutta Port and Dock Workers Union, 27-B, Circular Garden Reach Road, Calcutta-23.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri N. K. Chaddha, Regional Labour Commissioner (Central), 12, Chowringhee Square, Calcutta-1.

(I) *Specific matters in dispute:—*

(i) Whether the watchmen in the Company are entitled to the rate of wages @ Rs. 4.28 paise per shift as per Sen Tribunal's Award dated 14th October, 1967, in reference No. 149 of 1966 as well as 152 of 1966. If so, whether the same should have retrospective effect?

(ii) Whether the watchmen should be granted the benefits under Palit Award in regard to uniform, washing charge, canteen etc. If so, from what date?

(iii) Whether the employer keeping in view the Palit Award is justified in differentiating the wages to the watchmen to the line vessels and chartered vessels. If not whether they should be paid equal wages?

(II) Details of the parties to the dispute including the name and address of the establishment of undertaking involved.

(a) M/s. Apolo Marine Syndicate, Watchmen Contractors 70/6, Diamond Harbour Road, Calcutta-23

(b) Calcutta Port and Dock Workers Union 27-B, Circular Garden Reach Road, Calcutta-23.

(III) Name of the Union, if any, representing the workmen in question:—

Calcutta Port and Dock Workers' Union, 27-B, Circular Garden Reach Road, Calcutta-23.

(IV) Total number of workmen employed in the undertaking effected:—67.

(V) Estimated number of workmen affected or likely to be affected by the dispute—12.

The arbitrator shall make his award within a period of one month from the date of publication of the arbitration agreement in the Gazette of India or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties

Representing employers  
Sd./- Illegible.

Representing Workmen

Sd./- Illegible.

Sd./- Illegible.

Witnesses:—

1. Sd./- Illegible.

2. Sd./- Illegible.

Dated, Calcutta the 8th December, 1967.

[No. 28/134/67-LRIII]

S S SAHASRANAMAN, Under Secy

Department of Rehabilitation

(Office of the Chief Settlement Commissioner)

New Delhi, the 28th December 1967

**S.O. 86.**—In exercise of the powers conferred by Clause (a) of Sub-section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints for the States of Maharashtra, Gujarat, Andhra Pradesh, Madras, Mysore and Kerala, Shri Manohar Lal J. Tahiliani, Assistant Settlement Officer in the Office of Assistant Settlement Commissioner Incharge, Bombay as Managing Officer for the custody, management and disposal of compensation pool with effect from 24th October, 1967.

[No. 8/2/AGZ/67.]

A G VASWANI,

Settlement Commissioner (A) and Ex-Officio Under Secy.